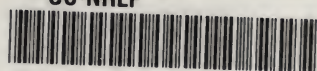


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THE
EXAMINATION
OF
JOSEPH GALLOWAY, ESQ.,
BY A
COMMITTEE OF THE HOUSE OF COMMONS.

EDITED BY THOMAS BALCH.

Two Hundred and Fifty Copies Printed.

PHILADELPHIA:
PRINTED FOR THE SEVENTY-SIX SOCIETY.
T. K. AND P. G. COLLINS, PRINTERS.
1855.

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THE Council of the Seventy-six Society thought it advisable to present this reprint of this well-known though almost inaccessible pamphlet. The character and talents of Mr. Galloway, the opportunities which he possessed of obtaining information, the facts stated by him and the weight attached to them by writers in his own and later days, have made this examination a document of some historical importance. A few notes, designated by brackets, have been added by me. I had intended to append others, but I refrained when I reflected that many if not all of the members of the Society were quite as well or better acquainted than myself with this period of our history. Those which are given are chiefly on MS. authority; and I here return my thanks to those gentlemen, who have favored me by access to their papers, particularly Mr. Thompson Westcott. The book cited as *Pennsylvania Letters* is No. 2396 D, Loganian Library.

It is greatly to be regretted that we have no full and truthful history of the loyalists, of their numbers, of the measures which they devised, promoted or prevented, of the motives which actuated them, and consequent upon this the classes into which they were divided, of the influence which they exercised and its effects. Numerous isolated facts or notices are to be found in works relating to the Revolution, and Mr. Sabine's *Loyalists*, and *Curwen's Journal* (edited by Mr. Ward), are valuable so far as they go. But a work embracing the entire subject is yet to be written, as part of the materials for which this reprint of Mr. Galloway's examination may not be without value.



THE
E X A M I N A T I O N
OF
JOSEPH GALLOWAY, Esq;
Late SPEAKER of the HOUSE of ASSEMBLY
of PENNSYLVANIA.
BEFORE
THE HOUSE OF COMMONS,
IN A COMMITTEE
ON THE AMERICAN PAPERS.
WITH
EXPLANATORY NOTES.

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CONGRESS

L O N D O N :
Printed for J. WILKIE, No. 71, in St. Paul's Church-yard.
MDCCLXXIX.

[Price Two Shillings.]

Mercurii, 16^o die Junii, 1779.

COMMITTEE on PAPERS presented by MR. DE GREY,
the 19th of March last, pursuant to Address.

Mr. MONTAGU in the Chair.

JOSEPH GALLOWAY, Esq; called in, and examined by Lord
GEORGE GERMAINE.

Q. How long have you lived in America?

A. I have lived in America from my nativity to the month
of October last, about forty-eight years!

Q. In what part; and what public office have you held?

A. I have lived in the province of Maryland, in the Delaware
counties, and in the province of Pennsylvania, chiefly in Phila-
delphia. My public profession was that of the law.—I practised
in all the courts of Pennsylvania, in those of the Delaware
counties, and in the supreme courts of New Jersey.—I was a
member of the Assembly of Pennsylvania eighteen years—
Speaker of the House twelve.—I was appointed by the Assem-
bly of that province to attend the American Congress, which
met the 5th of September 1774.—During the last war,* under
appointment of the same Assembly, I was one of the Commis-
sioners for disposing of the money granted to the crown, and

* [“The French and Indian War.”]

have been several times a Commissioner to treat with the Indians; and, when Sir William Howe took possession of the city of Philadelphia, at his request I undertook the office of Superintendant of the Police of the city of Philadelphia and its suburbs, of the Port, and of the prohibited Articles.

Q. When did you come over to the British army, and how long did you continue with it?

A. I came over to the royal army in the beginning of December 1776, and continued with it until the evacuation of Philadelphia, on the 18th of June last.*

Q. At the beginning of the present rebellion, when the inhabitants first took up arms, had the people, in general, independence in view?

A. I do not believe, from the best knowledge I have of the state of America at that time, that one-fifth of the people had independence in view.—I wish when I give an opinion, always to give my reasons for it.—The progress of the spirit of inde-

* [Mr. Galloway went to England in 1778.

He appears to have then gone to New York, and to have remained there until the fall. I find, among other letters to him dated New York, Nov. 1778, which speak of his "sudden departure," one from Wm. Franklin, (who had been Royal Governor of New Jersey,) dated New York, Nov. 16, 1778, from which I make the following extract:—

"MY DEAR FRIEND: I returned here, from my long and horrible confinement "in Connecticut, the last day of October; but my joy was greatly damped on "finding that you had sailed for England. I had almost determined to follow "you, either in this packet, or in the fleet which is to sail with the commis- "sioners. But an unwillingness to quit the scene of action, where I think I "might be of service if anything is intended to be done, has induced me to "remain until I can discover what turn our affairs are likely to take." The reasons of his departure for England are thus given in a letter from one of his friends, dated, "New York, Nov. 22, 1778—Soon after you had embarked, Mr. "Eden" [one of the British Commissioners] "expressed to me his surprise at "your sudden resolution. I had no other answer to make, but, that your un- "comfortable situation here produced such a visible effect upon your spirits, "that, in spite of the risk, none of your friends could advise you to stay. Col. "Balfour also took an opportunity one day of wondering that you ventured to "go, and added, that your treatment had been cruel beyond all example."]

pendence was very gradual. So early as the year 1754,* there were men in America, I may say in the towns of Boston, New York, Philadelphia, and Williamsburg, who held independence in prospect, and who were determined to seize any opportunity that offered to promote it, by procuring additional persons to their number.—These men, when the Stamp Act was passed, made a stalking-horse, or screen, of the gentlemen of the law in every part of America, to cover their designs, and to sound the trumpet of opposition against Government; but avowed, that their conduct was on the ground of obtaining a redress of American grievances, and not with a design to separate the two countries.—Upon this ground, I am confident, the gentlemen of the law acted. When the Tea Act was passed, they made the same use of the merchants who were smugglers in America, as they had done of the lawyers before, still declaring, that they meant not independence.—So late as the sitting of the Congress in 1774, the same men, when charged with it in Congress, and whilst they held it tenaciously and religiously in their hearts, they almost to a degree of profanity denied it with their tongues—and all this was done on their knowledge, that the great bulk of the people of North America was averse to independence.—If we look at the resolves of Congress, down almost to the very period of their declaration of independence, we shall find the same language, the same pretence of obtaining a redress of grievances, held out to the people. And for the same reason, at the very time they declared independence, they gave out, that it was not with a view to a total separation of the two

* [*Penn'a Gazette*, May 22, 1755. Gov. Robert Hunter Morris, in his message (May 16) to the assembly, says: "Your Resolutions are, and have been, to "take advantage of your country's danger, to aggrandize and render permanent "your own power, and destroy that of the Crown. That it is for this purpose, "and to promote your scheme of future independency, you are grasping at the disposition of the public money, and at the power of filling all the offices of Government," &c. See also Mr. Galloway to Dr. Franklin, *Sparks' Franklin*, vii. 303, for his opinions in 1766.]

countries, but from necessity; because, unless they declared independence, the powers of Europe would not trade with them, and they were in great distress for want of a great many foreign necessities.—So that, from all these circumstances, I am convinced, that not one fifth part of the people had independence in view*!

* Mr. Galloway here added,—“I think I may safely say, not one-tenth part had independence in view;”—which opinion will appear to be founded in truth from the following circumstances. The instructions given to the Delegates in Congress were partly in the following words:—To the Delegates from New Hampshire,—“to restore that peace, harmony, and mutual confidence, which once happily subsisted between the parent country and her Colonies.”—To the Delegates of Massachusetts Bay,—“to determine on measures for the restoration of union and harmony between Great Britain and the Colonies, *most ardently desired by all good men.*”—To the Delegates of Rhode Island,—“to consult upon proper measures to establish the rights and liberties of the Colonies.”—To the Delegates of Connecticut,—“for advancing the best good of the Colonies.”—The Delegates from New York and New Jersey had no particular instructions.—The Delegates from Pennsylvania were enjoined—“to consult upon the present unhappy state of the Colonies, and to form and adopt a plan for the purposes of obtaining a redress of American grievances, ascertaining American rights upon the most solid and constitutional principles, and for establishing that union and harmony between Great Britain and her Colonies, which is so indispensably necessary to the welfare and happiness of both.”—The Delegates from the Delaware Counties were confined to—“*prudent and lawful measures* for obtaining a redress of the general grievances,”—The Delegates from Maryland and Virginia were confined to measures—“operating on the commercial connection of the Colonies with the mother-country, and speedily to procure the return of that *harmony and union*, so beneficial to the whole nation, and so ardently desired *by all British America.*”—And the instructions from North and South Carolina were to the same purport.—In the Letter to the People of Quebec, the Congress declare, that “their confederation has no other objects, than the perfect security of the natural and civil rights of all the constituent members of the British government, according to their respective circumstances, and the preservation of a happy and *lasting connection* with Great Britain, on *salutary and constitutional principles.*”—And in a pamphlet published in vindication of the conduct of the Congress, intitled, “The other Side of the Question, &c,” they are obliged to make the following declaration, to refute the charge brought against them of intending to establish independence, viz.—“As to the thought of establishing a republic in America,—*breaking off our connection with Great Britain*, and becoming independent,—I consider it as the most

Q. If so large a proportion of the people of America were so averse to independence, why have they suffered their present rulers to obtain so much power over them as to prevent any effectual exertion in support of their principles?

A. The Congress having prevailed upon a very small part of the people to take up arms, under the pretence of obtaining a redress of grievances; and having an army composed of those people under their command, and subject to military discipline, they disarmed, or caused to be disarmed, all persons whom they thought disaffected to their measures, or wished to be united to this country, contrary to their scheme of Independence.* I have the resolves of Congress, dated 2d January, 1776, at my house to that purpose†.—They went so far as to disarm (by sending

vain, empty, shallow, and ridiculous project, that could possibly enter into the heart of man.—I do not believe there are *five hundred on the Continent*, who have the least pretensions to common sense, who would not risque their dearest blood to prevent such measures.”—Even so late as the time of declaring the Colonies independent, the Congress who were appointed by a very few of the people, and these the most disaffected, found it an arduous task to accomplish it.—Their debates lasted near a fortnight, and when the question was put, six Colonies divided against six; the Delegates for Pennsylvania being also divided, the question remained undecided.—However, one of the Members of the Colony who had warmly opposed it, being wrought upon by Mr. Adams’s art, changed his opinion, and upon the question the next day, it was carried in the affirmative by a single vote only. [This account of the vote of Pennsylvania as to the Declaration, conflicts with that given by Chief Justice McKean.—*Christopher Marshall’s Diary, Appendix.*]

* [Isaac Ogden, Counsellor at Law, New York, to Mr. Galloway, in London.

“NEW YORK, Feb. 6, 1779.

“The *State* of New Jersey has again taken the lead in passing a law declaring “all persons from that Province, under the protection of the king’s troops, guilty “of *high treason*, and their estates forfeited. In consequence of this law, my “father and myself, with many others, have had judgments entered against us, “our estates declared forfeited, and our real estates advertised for sale on the “first day of March.]

† Extracts from the Journals of Congress, January 2d, 1776.

“—And with respect to all such unworthy Americans as, regardless of their duty to their Creator, their country, and their posterity, have taken part with our oppressors, and, influenced with the hope and possession of ignominious re-

two battalions into Queen's county, in the province of New York, for that purpose) a large number of the people of that district, for no other reason but because they voted against sending a member to the Convention of New York; they totally, as I may say, disfranchised them;—they would not suffer them to trade or be traded with;—they suffered them to be sued, but would not let them sue in their courts of justice; they would not suffer them to pass out of their district on any account.*—By these means the

wards, strive to recommend themselves to the bounty of administration, by misrepresenting and traducing the conduct and principles of the friends of American liberty, and opposing *every measure* formed for its preservation and security;

“*Resolved*, That it be recommended to the different Assemblies, Conventions, and Committees or Councils of Safety in the United Colonies, by the most speedy and effectual measures, to frustrate the mischievous machinations, and restrain the wicked practices of these men:—And it is the opinion of this Congress, that they ought to be disarmed, and the more dangerous among them either kept in safe custody, or bound with sufficient sureties to their good behaviour. And in order that the said Assemblies, Conventions, Committees, or Councils of Safety may be enabled, with greater ease and facility, to carry this resolution into execution,

“*Resolved*, That they be authorized to call to their aid, whatever continental troops, stationed in or near their respective colonies, may be conveniently spared from their more immediate duty; and the commanding officers of such troops are hereby directed to afford the said Assemblies, Conventions, Committees or Councils of Safety, all such assistance, in executing this resolution, as they may require, and which, consistent with the good of the service, may be supplied.”

* Extracts from the Journals of the Congress, January 3d, 1776.

“*Resolved*, That all such persons in Queen's County, as voted against sending Deputies to the present Convention of New York, and named in a list of delinquents in Queen's County, published by the Convention of New York, be put out of the protection of the United Colonies, and that all trade and intercourse with them cease; that none of the inhabitants of that county be permitted to travel or abide in any part of these United Colonies, out of their said county, without a certificate from the Convention or Committee of Safety of the colony of New York, setting forth, That such inhabitant is a friend to the American cause, and not of the number of those who voted against sending Deputies to the said Convention; and that such of the said inhabitants, as shall be found out of the said county, without such certificate, be apprehended, and imprisoned three months.

“*Resolved*, That Colonel Nathaniel Heard, of Woodbridge, in the colony of New Jersey, taking with him five or six hundred minute-men, under discreet officers,

well-affected part of America to this government became disarmed, and the arms were put into the hands of those on whom the Congress could rely—a small part of the people. If we look into the history of this kingdom, so early as the great rebellion in 1640, we shall find the very fact alluded to in the question, actually existing in the state of this kingdom.—We shall find the people taking up arms, in order, as it was said, to obtain a redress of grievances.—We shall find a few people at that time, who had arms in their hands, preventing the rest, numerous as they were, from taking measures for their relief*.

do march to the western part of Queen's County.—And that Colonel Waterbury, of Stanford, in the colony of Connecticut, with the like number of minute-men, march to the eastern side of said county;—that they confer together, and endeavour to enter the said county on one day; that they proceed to disarm every person in the said county, who voted against sending Deputies to the said Convention, and cause them to deliver up their arms and ammunition on oath; and that they take and confine in safe custody, till further orders, all such as refuse compliance.”

* After the Congress had deluded a few of the most imprudent and violent of the people to associate in arms, and had obtained an army in the field, they immediately took measures to disarm those who retained their loyalty, and gave opposition to their design. This opposition appeared in a variety of instances; but they, immediately on its appearance, took measures to suppress it. If pamphlets were wrote, condemning their conduct, the printer who presumed to publish them was obliged to fly his country, and his office was seized. If any gave opposition at elections to their candidates, they were threatened, and intimidated from voting, imprisoned and disfranchised. If any refused their Continental money at the nominal value, they were ordered, by a resolve of Congress, 11th January, 1776, to be treated as *Enemies to their Country*, and precluded from *all trade or intercourse* with the inhabitants. And by another Resolve, dated January 14, 1777, they forfeited the value of the lands, goods, or commodities offered to be sold, and the debts in payment of which it was tendered. And further to intimidate the Loyalists, and effectually to prevent their taking measures for their relief, laws were passed by the New States, declaring “That if any person should be adherent to the King of Great Britain, or to the enemies of the United States, by giving him or them aid or assistance, he should be adjudged guilty of High Treason.” And even, “If any person should, by writing or speaking, obstruct or oppose the measures carried on by the United States,” he should be punished by fine and imprisonment. If any body of men rose in favour of Government,

Q. After the declaration of Independence, when Lord Howe and the General arrived at Staten Island, did the people at large in the country express a desire to treat with the Commissioners?

A. I believe, in the Middle Colonies, where I resided, it was very generally the wish of the people to treat with the King's Commissioners; and I have the best reason to believe, that it was in pursuance of the clamour of the people about the Congress in Philadelphia, that they sent three Commissioners to meet Lord and Sir William Howe*.

and to relieve themselves from their oppression, of which there have been a variety of instances, they were immediately suppressed by the superior force of the Continental Army. In this state of the people, into which they were seduced by the arts and force of the Congress, no man of sense can be surprised at their not being able to take effectual measures for their relief.

There have been very few revolutions in settled governments, which have been effected with the consent and approbation of the people. Mankind are not easily drawn into a dereliction of a form of government, under which they have been educated. It is habit and fixt manners that form the national attachment, and prevail on men to prefer those governments, however arbitrary and despotic, to others established on the best regulated freedom. It is this that prevails with a Turk, or a Spaniard, to prefer the government of a bashaw, or the inquisitorial power, to that freedom which he might enjoy in other countries. Hence it is that we shall find, upon looking into history, that most revolutions have been effected by a few artful, bold, and ambitious men, whose first step has ever been to delude the incautious and restless few, which every society affords, into arms; the next to disarm the rest, and then to establish their own measures and power over the whole society, who, however desirous of making the greatest efforts for their relief, find it impossible under these circumstances, and therefore patiently submit to what they detest.

* The Congress were compelled by the clamours of the people to send a Committee to treat with Lord Howe; but did not mean to do it, save in appearance only. The authority given to that Committee was only "to hear such propositions as Lord Howe should think fit to make," and not to treat. See Resolve of Congress, 6th of September, 1776. The Committee reported, that "his Lordship's Commission contained no other authority of importance than that of granting pardons, with such exceptions as the Commissioners should think proper to make, and of declaring America, or any part of it, in the King's peace, upon submission." If the Commissioners had further and other powers, it is greatly to be lamented, that they did not think proper to make them known to the people,

Q. What proportion of the inhabitants of the revolted Colonies, do you think, from principle and choice, supported the present rebellion at any period?

A. I don't think that one fifth part have, from principle and choice, supported the present rebellion.—Many of those, who have appeared in support of it, have, by a variety of means, been compelled.—I would wish to give reasons, and not fatigue the Committee. The last delegation of Congress, made by the province of Pennsylvania, and the appointment of all the officers of that state, was made by less than two hundred voters, although there are at least thirty thousand men intitled to vote by the laws of that province. One instance more I beg leave to give. One of the Delegates from the province of New York* (with whom I sat in Congress in 1774) representing a considerable district in that province, was chosen by himself and his clerk only, and that clerk certified to the Congress that he was unanimously appointed!

Q. Was the person so chosen received by Congress?

A. Yes, he was received on that return by the Continental Congress, in 1774.

who were so desirous of having the dispute between the two countries settled without further bloodshed, and upon reasonable terms. It would have produced the most beneficial effects. If the terms had been approved by the people, which is far from being improbable from their then dispositions, the Congress must have accepted of them, and an end would have been put to the war. The New States at this time were not formed, nor the Congress well established in their power; they were of course more dependent on the people than they have been since, and must have complied with their demands.

* The people of King's County so much disapproved of the sending any Members to the Congress, that although due notice was given of the time and place of election, only two of them met: Mr. Simon Boerum appointed his friend Clerk, and the Clerk appointed Mr. Boerum a Delegate in Congress, who was the only Representative for that large county. Other counties sent no Delegate; and even so late as the year 1776, the inhabitants of Queen's County were disarmed and disfranchised for refusing to send a Member to the Convention of New York; and in no Colony, where these Delegates were not appointed by the Assemblies, which were in four only, were they chosen by one twentieth part of the people.

Q. From your knowledge of the people of America, what proportion of the inhabitants do you think at this time would prefer a reconciliation with Great Britain, rather than assist in supporting American independence?

A. From the experience which the people have had of the superlative and excessive tyranny of their new rulers; from the distresses they have felt by the ravages war, and the loss of their trade; from an aversion which they have to an attachment and connection with France, which they are fearful will terminate in the loss of their liberties, civil as well as religious; and from the old attachment, and I believe an earnest desire to be united with this country, I think I may venture to say, that many more than four-fifths of the people would prefer an union with Great Britain, upon constitutional principles, to that of Independence.* Many of the people, who at first took part in the opposition to Government, and were deluded by the Congress and its adherents, have severely felt every degree of distress. From those feelings they now reason, and that reason has prevailed on them to compare their old happy situation with their present misery, and to prefer the former.

Q. What effect do you think it would have in America, if the people of that country thought an opinion prevailed here, that they were generally hostile to Great Britain?

A. It would strike the friends of this country with distress and resentment; with distress, at the thought that you should conceive an idea so injurious to their principles; and with resentment to the injustice of the idea.

Q. Have the inhabitants of America shown a willingness to

* [Mr. Galloway's statements were no doubt in part based upon the information derived through his correspondents in America. Several letters addressed to him affirm as facts what he here asserts. A letter from Isaac Ogden, of New Jersey, dated New York, 22d Nov. 1778, to Mr. Galloway, then in London, gives these statements in terms even stronger than those used by Mr. Galloway in the text. That some of the French officers did not consider that alliance popular in America is shown in *Sparks' Franklin*, viii. 391.]

take up arms in the present contest, and have the Congress found it easy to recruit their armies ?

A. A very small part of the inhabitants of North America (I would rather confine myself to the Middle and Southern Colonies) have shown a willingness to take up arms, more especially since the declaration of Independence. The Congress have not found it easy to recruit their armies; they have made use of every means that art and force could suggest for that purpose.

Q. What were the methods made use of by the Congress to compel the inhabitants to take up arms ?

A. When they found they could not recruit their army in the ordinary way by recruiting, the Rebel States passed laws for drafting their militia, compelling every person drafted to enter into the military service, or to find a substitute, or to be imprisoned. Some were even pushed into the field by the bayonet (but this was not part of the law). In Virginia they passed a law for exempting every two persons, who should find a recruit from all military service. For these substitutes, and for the recruits, there have been from 40*l.* to 100*l.* given. In the same province, they passed another law for manumitting every servant who would enter into the service. By these means the Congress chiefly raised their armies, and not from the voluntary enlistment of the people.

Q. Were great exertions made by the Congress and their adherents, to bring a numerous army into the field for the campaign of 1776 ?

A. There certainly were very great exertions ; but at that time they did not make use of the compulsory measures, which they were obliged to do afterwards, when the people were satisfied that they meant Independence.

Q. What was the force under Washington when Sir William Howe landed in Long Island ?

A. From the best information I could get, I believe it was about 20,000 men. Some said more, others said less.

Q. Was their force composed chiefly of militia, or continental troops?

A. More of militia than continental troops.—They had not then had time to raise by recruiting any great number of men, nor were their States at that time perfectly formed, and therefore could not make the exertion for raising the regular troops which they did afterwards.

Q. Did Washington's army diminish after the battle of Long Island—and what was his force at the end of the campaign, when Gen. Howe was at Trenton?

A. In consequence of the success on Long Island, New York, the White Plains, and Fort Independence, Washington's army did diminish very rapidly; insomuch that, when Washington crossed the Delaware, and Sir William Howe marched to Trenton, his army did not consist of more than 3300 men.

Q. What do you take to have been the cause of so great diminution of the rebel force?

A. They were panic-struck by the successes I have mentioned, and deserted in great numbers. I was at that time in Pennsylvania. Many of them, who fled from the army, passed by my house, and I conversed with them. They all appeared to me to be in the extremest panic.

Q. What was the disposition of the people in Pennsylvania when Gen. Howe arrived at Trenton?

A. I had, though with the army at that time, constant communication with my friends in Pennsylvania, from whom, while on the Delaware, I learnt the disposition of the people; and when last in Philadelphia with the British army, I made it my particular business to enquire into the state of the province, at the time Sir William Howe was at Trenton; and I conversed with no man, who did not inform me, that the people of Pennsylvania were disposed to submit to Government, a few of the most violent, and very few excepted, and they were those who had acted the most violent part. Great pains were taken to get the militia out, but in vain; very few were prevailed on to turn out.

Q. Did they expect the British army in Philadelphia at that time?

A. They certainly did.

Q. Did the members of the Congress, and others who had taken an active part in the rebellion, take any steps in consequence of their expecting the British troops in Philadelphia?

A. I was informed by every one I conversed with on the subject, that the Congress and the Rebel States, in which I include all their officers, fled in a panic from Philadelphia, many of them leaving a part of their property behind them; and when I was last at Philadelphia, I was informed by two of three gentlemen,* that they were appointed by a number of respectable inhabitants of the city of Philadelphia, to wait on Congress, and to inform them, that they would go out, and certainly meet Sir William Howe, in case he should cross the Delaware, and implore his protection in behalf of the inhabitants;—that they did wait on Congress accordingly, delivered their message, and received for answer from the Congress, that they could not blame them, for they could no longer protect them†.

Q. Do you know anything of the disposition of the other revolted colonies? Were they, from the successes of the British army, disposed to peace; or did they still remain sanguine in their hopes of maintaining their Independence—I mean those who had been the supporters of the Congress and their measures?

A. I had very good opportunities of knowing the state of the

* [Mr. (afterwards Judge) Yeates, writing from Lancaster, Oct. 3, 1777, says (*Pennsylvania Letters*, 259): “Mr. Penn and Mr. Delaney rode out to meet Gen. Howe, and earnestly entreated him to save Philadelphia from plunder. The city, as we learn, escaped; but John Lawrence, near the Falls, had everything swept away by the soldiers.”]

† It is well known to several gentlemen now in London, that the Congress lost all fortitude of mind, and in the greatest distress weeped at the folly of their conduct, declared they could no longer oppose Great Britain, and that they were ruined. They fled with the greatest precipitation from Philadelphia to Baltimore, and many of them to their respective colonies.

Middle Colonies, in which I include New York, New Jersey, Pennsylvania, Maryland, the Delaware counties, and Virginia. Gentlemen of fortune and integrity, on whom I should rely, came in to me at Philadelphia, from Norfolk in Virginia, Williamsburgh, Fredericksburgh, the distant county of Botetourt, Fort Pitt, and from the intermediate parts of New York, New Jersey, Maryland, and the Delaware counties, from whom I made it my particular business to learn the state of the disposition of the people of those Colonies, as well at that time, as in the year 1776, when Sir William Howe was at Trenton. And I was informed by all of them, that the panic extended through all those parts, and at that time very few indeed entertained hopes of supporting the independence.

Q. Do you think if Sir William Howe had pursued Washington cross the Delaware, scattered the remains of his army, and taken up his quarters at Philadelphia, that the Congress would have been able to raise another army?*

A. I verily believe they would not have been able to raise an army of any consequence, not of 5000 men, so as to take the field at the usual time of opening the campaign.—It was not only my opinion, but that of every gentleman I conversed with on the subject in Pennsylvania.

Q. What effect had the success of the rebels in defeating and making prisoners the Hessians at Trenton, on the minds of the people?

A. It had a very mischievous effect to the British service.—It removed that panic with which the new states of the Middle

* [Mr. Galloway was of opinion that taking Philadelphia would settle the war. He accordingly urged Gen. Howe to proceed against it by land. His advice was adopted; but after advancing into New Jersey, Gen. Howe, despite of Mr. Galloway's counsel to the contrary, determined to attack Philadelphia by way of the Chesapeake. This fatal blunder, as he esteemed it, Mr. Galloway never forgave. For the reasons of his advice, and his strictures on Gen. Howe's course, see *Reply to the Observations of Lt. Gen. Sir Wm. Howe, &c.* Philadelphia (Reprint), 1787. Pp. 32, &c.]

Colonies were struck.—It enabled the Congress and the Members of the new state of Pennsylvania to return to Philadelphia, the most advantageous post for their residence in all America.—It revived their spirits, and the spirits of the disaffected.—It induced a number of the Militia to turn out, who otherwise would not have done it, and contributed in a great measure to the raising of the army which Washington commanded the next campaign.

Q. After the affair at Trenton, did the Congress find it easy to recruit their army, and what number of troops had Washington with him in the Jerseys during the winter?

A. Notwithstanding that success, the Congress did not find it easy to recruit their army.—They were obliged to make use of the compulsory methods I have mentioned; and yet, during the winter, Washington, at Morris Town, from the best information I could get, had not 6000 men.

Q. Did Washington take any measures to prevent the British army from procuring provisions in their march through the Jerseys, and what measures?

A. In Washington's retreat through the Jerseys, he issued a proclamation, commanding the inhabitants near that route, which he suspected the British army would follow, to remove all their provisions, under pain of having them destroyed; but this proclamation was not obeyed, nor did he dare to put it into execution—he did not, lest he should render the people more averse to his measures.

Q. Did the British army find difficulty in procuring provisions whilst on the banks of the Delaware?

A. They did not.—I was both at Trenton and Burdenton,* the two posts left by Sir William Howe on the Delaware.—The people brought in their cattle and other provisions to both those posts.—Captain Gambell, with whom I lodged, acted as Deputy Quarter-master.—I drew, at his request, invitations to the peo-

* [Bordentown.]

ple of the country to bring in their provisions towards forming a magazine at Burdenton;* and although he was there but a little while, a very considerable magazine was formed, and great quantity of provisions brought in, before he was obliged to leave it by the taking of Trenton.

Q. Had General Howe taken up his winter quarters at Philadelphia, would he have run any risk of not being supplied with provisions from the country?

A. I think it impossible.—The country was full of provisions.—General Howe's army was the superior army, and certainly might have foraged, had the inhabitants not brought in their provisions—of which, I think, there could be no doubt, because, when Sir William Howe was at Philadelphia in 1777, the people at that time, when Washington had four times the number of troops that he had at Trenton, and when his party was continually patrolling round the lines;—the inhabitants of Philadelphia, the army and navy, such as chose to eat fresh provisions, were supplied by the country—from without the lines.

Q. What number of men did the Congress vote for the campaign 1777?

A. Congress voted for that year 88 battalions, each consisting of 750 men, officers included, making in the whole 66,000 men.

Q. What number did they actually raise for that year?

A. At the outside, they did not bring into the field 16,000 men.—I think I am beyond the mark in that number.

Q. What was the reason that so small a number of the troops voted were raised? Was it that the Congress had altered their resolution as to the numbers to be employed, or was it because the men were not to be had?

A. It was not because the Congress had altered their resolution, but because the men were not to be had.—They made every exertion as usual; but they had lost in the Canada expe-

* [Bordentown.]

dition, at Boston, where they were extremely sickly, killed in battle in the several engagements with the British troops, taken prisoners, and by deaths in the military hospitals, southward of New York, I think I may safely say, upon good enquiry, nearly 40,000 men.—The people also, at that time, were more averse to the measures of Congress than the year before*.

Q. What were the exertions made use of to bring a numerous army into the field?

A. They were, as I mentioned before, partly recruiting, drafting their militia, and enlisting of servants.

Q. What proportion of the troops that composed Washington's army enlisted voluntarily?

A. I cannot answer that question with precision.—I believe, not a moiety of them.

Q. Were deserters from the rebel army frequent while Sir William Howe was in Philadelphia?

A. They were frequent—almost daily.—I have known forty-nine come in in a day—many days from ten to fifteen.

Q. What number do you suppose came in to the army at Philadelphia?

A. The deserters were generally sent from head-quarters down to me for examination—from me they went to Mr. Story, the officer appointed to administer the oath of allegiance.—He kept a regular account of their numbers, their names, and the places of their nativity, and I think there were upwards of 2300 qualified at his office; and I believe, on good reason, there might have been upwards of 7 or 800 more not qualified; for I often found, on seeing him in the evening, that the numbers I had sent down to him had not gone, so that I suppose, at least, 3000 came in.

* The Rebel States, since the commencement of the rebellion, have lost in their military hospitals, and in battle, in their naval and land service, not much short of 100,000 men, which amount to a fifth part of the white men in America capable of bearing arms.

Q. Do you suppose the number you have mentioned to be the whole of the desertion from the rebel army?

A. By no means; I do not suppose it;—many might have deserted into the country to their friends—perhaps, half as many more.

Q. What was the encouragement held out to induce deserters to come over to us?

A. A proclamation was issued by Sir William Howe, offering them a passage home to Ireland or England, their native country, and they were generally paid for their arms and accoutrements.

Q. That part of the rebel army that enlisted in the service of the Congress, were they chiefly composed of natives of America, or were the greatest part of them English, Scotch, and Irish?

A. The names and places of their nativity being taken down, I can answer the question with precision.—There were scarcely one-fourth natives of America;—about one-half Irish,—the other fourth were English and Scotch.*

Q. What is the character that the Provincials serving in the British army bear? Are they good troops, and have they behaved well when employed?

A. I have understood, as soon as they are disciplined they are very good troops, and have always behaved well; I know of no instance to the contrary.—That I know to be the opinion of many of the military gentlemen.

Q. Do you know anything of the army of the Rebels in general, how that is composed—of what country people?

A. I judge of that by the deserters that came over.

Q. What was the sum given as bounty money to a recruit enlisting in our provincial corps?

A. I have understood five hard dollars.

* [This statement must be taken in connection with the answer to the question next but one—that he judged of the birth-place of the soldiers of the rebel army by the deserters.]

Q. At that time, what was the sum given by the rebels for a recruit to serve in the army of the Congress?

A. The Congress gave twenty paper dollars a man, besides eight paper dollars to the person who should procure a recruit—It was recommended by the Congress, in order to facilitate the recruiting for the Rebel States, to divide the states into districts, and to appoint two or more persons to recruit in each district.—These persons had the eight Continental dollars.

Q. What was the proportion between the hard and the paper dollars?

A. It is impossible to say;—they are now from fifteen or twenty to one.

Q. At the time the army was at Philadelphia?

A. I cannot say; they might be three or four, or five or eight to one*.

Q. What have you known to be given for substitutes?

A. I have known from £40 to £100 Continental money†.

Q. What number of men do you suppose are now serving in our army in America, as Provincials?

A. I have been informed, from 6 to 7000—but I do not know of my own knowledge.

Q. Were there any number of them embodied as militia in any part of the country where the King's troops have been in possession?

A. I understood, when I was at New York, that there was a body of militia formed at Long Island.—There were none in the Jerseys, nor at Philadelphia.

Q. Were there ever any attempts made to induce the inhabitants to take up arms, and defend the country against the incursions of the Rebels either in Pennsylvania or the Jerseys?

* The Continental money was constantly fluctuating in its value.—When the British army entered a province, its value was in a manner annihilated, and the people ventured openly to refuse it.

† By late accounts from gentlemen of the best credit at New York, the extravagant sum of £200 has been given for a substitute.

A. Not as militia;—there were corps enlisted in Philadelphia.

Q. What number of men were there in Philadelphia capable of bearing arms?

A. At the desire of Sir William Howe, I numbered the inhabitants of the city of Philadelphia and the suburbs, distinguishing the males from the females, and taking the number of those between 18 and 60 years of age.—There were in Philadelphia and suburbs, within the limits, 4481 males under that description.

Q. Might not those men have been embodied as a militia for the defence of the city?

A. A part of them were Quakers—about one-fourth.—These would not take up arms on any account.—I know of no reason why the others might not have been induced to take up arms.*

Q. Were those who were found in actual rebellion, or known to be disaffected, disarmed?

A. In the city of Philadelphia, the inhabitants that were disaffected were disarmed by me, in pursuance of directions from Sir William Howe.

* [Mr. Galloway (*Reply*, 48, &c., cit. ante, 16), after charging General Howe with selecting “the most unpopular characters” for recruiting in Philadelphia, says: “Such were the gentlemen appointed, and such the embarrassments under which the recruiting service labored in Philadelphia; and yet the General acknowledges, that during his short stay in that city, where he found only 4482 males, from 18 to 60 years of age, of whom near 1000 were Quakers, he raised 974 rank and file, and, officers included, upward of 1100. The General says nothing of Mr. Galloway’s troop of Philadelphia light dragoons; it did not suit his purpose. That very *unpopular* gentleman offered to raise a regiment of horse, but he could procure a warrant for raising a troop only. This corps was expeditiously raised; in two months they were complete, and so well disciplined as to be reviewed by the general, and greatly applauded for their discipline. It is known in that country, that his influence among the Loyalists was such, that he could have raised a regiment in nearly the same time, notwithstanding the embarrassments under which the recruiting service then labored.”]

Q. Were arms put into the hands of the well affected inhabitants who had before been disarmed by the rebels?

A. Not generally.—A number of men, to the amount of eighty or ninety, came in from the country, where I generally resided in the summer, and offered to serve without clothing or pay, with an allowance of provisions;—for these I procured from Sir William Howe arms;—and another body of men that came from Jersey, the numbers I do not know, had also arms put into their hands.

Q. Do you know of any instances of the inhabitants taking up arms of their own accord in support of the King's authority?

A. There was a considerable body of people of the back parts of North Carolina (the rebels in their account called them 1600), who took up arms in support of the King's authority, but they were attacked and defeated by the rebels*.—Another body in the peninsula between the Chesapeake and the Delaware (as I was well informed, consisting of 2000), likewise took up arms in support of the King's authority.—Another party in the same peninsula, at another time (consisting of several hundreds), and another in the county of Monmouth, in the Jerseys, consisting of about 100.—And I was well informed, that some of the districts above Albany, at the time that General Burgoyne was advancing towards that place, took up arms, and prevented the disaffected part of the districts from joining General Gates;† de-

* Some of these loyalists were armed with guns, others with clubs only.—Indeed this was the circumstance in every case where the people rose in favour of Government;—their arms having been generally taken from them, under the order of the Congress or Conventions.

† [Rev. Charles Inglis, afterwards Bishop of Nova Scotia, writes from New York, Dec. 12, 1778, to Mr. Galloway in London:—

* * * “there are still many friends to the government in the country. * * * *
 “Burgoyne's army, while on their way through New England, but particularly
 “through this Province, met with the kindest treatment from the inhabitants.
 “Provisions in abundance were brought to them; the inhabitants cheerfully
 “gave up their beds to them, sympathized with them, offered them money, and
 “assisted many to make their escape. Several inhabitants of this Province came

claring, that if they went out to join General Gates, they would join General Burgoyne.

Q. Did you find many houses deserted as the army marched through Jersey, or in the way from the Head of Elk to Philadelphia?

A. General Howe happened to land his troops in a part of the country more disaffected than any other part I know; I mean Cecil county in Maryland.—At and about the Head of Elk, a number of inhabitants did desert their houses, and carry off their effects, but not all.—After Sir William Howe had advanced into the country from thence, about eight or ten miles, as near as I can guess, I don't believe that I saw in the whole route of the army, from thence to Philadelphia, consisting of at least seventy miles, above ten, or, at most, fifteen houses deserted.—I think not so many, but I chuse to be under the mark.—The inhabitants were found quietly at home; and, to me, there appeared every mark of pleasure at the troops arriving in the colony.

Q. What quantity of provisions did the army carry with it from the Head of Elk, or from Pencadder, where General Grant joined them?

A. I can't speak to that question from my own knowledge; but I was informed by the officers of the army that there was about fourteen days provisions landed*.

Q. How long was it from the time you left Pencadder to the time the General received provisions from the fleet in the Delaware?

A. I think the army marched from Pencadder the 8th of September; and, to my best recollection, the Welch Fuzileers

“as guides to different parties who have got in—upwards of one hundred have reached this place.”]

* A great part of these provisions must have been expended by the army before Sir William Howe left Pencadder.—The army was landed on the 25th of August, and it did not march from that place before the 8th of September.

went down, for the first time, to the ships below Philadelphia, to escort up the first provisions on the 3d of October.

Q. How did the army subsist during that time ?

A. The army in their march got large quantities of provisions supplied by the inhabitants.—They drove a large quantity of live stock with them to German Town, and some to Philadelphia.—They got other provisions in the country.—They took a magazine of flour at Valley Forge, which I understood was destroyed.

Q. While the British army lay at Philadelphia, did the inhabitants from the neighbouring countries, without the lines, bring in provisions, and were the markets plentifully supplied ?

A. The army lay at Philadelphia nine or ten months—there was in that city and suburbs, within the British lines, near 25,000 inhabitants—I include the number of people that came in, besides the real inhabitants there ; these, with the army and navy, did not want fresh provisions of all kinds whilst they remained at Philadelphia.

Q. In what state was Washington's army, in respect to provisions, while the British army was thus supplied ?*

A. Part of that time Washington's main army lay at Valley Forge—it was then in extreme distress for want of provisions—the deserters who came in informed me, that they were several days at half allowance ; and some that I examined told me, that they had had furloughs to go out into the neighbourhood to get provisions.—At that time, Washington received a considerable part of his supplies from the distant parts of Virginia and North Carolina, brought up the Chesapeake, landed at Elk, and from thence conveyed to his camp at Valley Forge in waggons.—The inhabitants were so averse to the measures of Congress, that they did not supply him with provisions.

* [For a vivid picture of the distress and privations endured by the army at Valley Forge, see the Letter of the Committee to President of Congress, *Camp at Valley Forge*, Feb. 12, 1778. Appendix to *Reply*, &c., cit. ante, 16.]

Q. Had not you correspondence through many different parts of America, in order to furnish General Howe with intelligence?

A. The General, in some measure, relied on me for intelligence—he had other means of getting intelligence.—I sent out to my friends on the Susquehannah and to the Delaware—it was an easy thing so to do.—The inhabitants were continually going in and coming out; and I desired that they would inform me of every thing material that happened in those parts respecting the number of troops that should be coming to join Washington.—I sent out many spies for the General on other occasions.—The General had the best intelligence from other circumstances, which it would be improper for me to mention.—The intelligence, I think, must have been good, whilst Washington, in possession of that country, complained of the want of intelligence, and said he was in an enemy's country.—I had this from an officer under Washington.—I would add, with respect to the disposition of the people, that persons came in to me, from all quarters of the Middle Colonies, and from their intelligence I answered the former question.

Q. To what cause was it owing that Washington's army was so badly supplied, when he had the command of the country?

A. Washington wanted flour and bread for his army, and grain and forage for his horses.—He issued a proclamation, commanding all the inhabitants within seventy miles of his camp northward, southward, and westward, to thresh out their grain; one-half by the first of February, the other half by the first of March, under pain of having it taken from them, and only paid for as straw.—But this proclamation was not obeyed—Washington then was obliged to send some of the men of his army to the neighbouring farmers to thresh out their grain, which he took and made use of without paying for it.

Q. Did Washington find the people ready to supply him with carriages?

A. He did not.—He got few carriages but what he took by force.—The people hid their waggon wheels.—He compelled

them to produce them.—They then broke their wheels and disabled their waggons, which rendered it very difficult for him to be supplied with waggons.

Q. In what state was Washington's army in respect to clothing in the campaign of 1777?

A. All the deserters who came in to us, except the Virginians, and a very few from the northward, were in a manner naked; they were not clothed fit for the inclemency of the season.—Some of them had linen garments on, and those very ragged and torn.—Some without shoes, very few with whole breeches or stockings—in short, they were objects of distress when they came down to me to be examined.—The Virginians had passed a law, under which they authorised Commissioners to search the house of every inhabitant for whatever spare cloth of every kind that might be suitable for the army, and to seize it for that purpose, which was executed.—The Virginians, therefore, were better clothed.—Washington sent into the county of Bucks, where there was a considerable quantity of cloth manufactured, lying in their fulling-mills, and seized it for the use of his army; but before it was conveyed to him it was taken by an American troop of light horse and some refugees, and conducted to Philadelphia.

Q. What state was the rebel army in, in respect to health?

A. From the time the rebel army was at Boston, to the time alluded to in the question, Washington's army was always very sickly, occasioned, as the principal physician of his hospital informed me, by the want of salt, and the eating of fresh provisions constantly without salt, together with their often wanting clothes, and other good appointments.—At the time alluded to in the question, Washington had not less than ten hospitals.—I examined one of the physicians of those hospitals, who gave me this information when he came to Philadelphia.

Q. What was the number of Washington's army at this time at Valley Forge?

A. In the latter end of February, or beginning of March,

Washington had not 4000 effective men—from a great variety of accounts, from a number of people who lived by his camp, and from officers of his own army.*

Q. By what means were the numbers there diminished after the battle of German Town?

A. By the means I have described; sickness and desertion.

Q. Could an army of 15,000 men subsist upon the country in a march through the Middle Colonies?

A. Unless it is very much altered, and that very lately, they certainly could, and a much greater army. The Middle Colonies are colonies of provisions.—They have a plenty of cattle and hogs; and they abound with grain, Indian corn, wheat, rye, oats, and barley.

Q. What number of people do you suppose the British army and its followers consisted of that were fed by the country in the march from Elk Head to Philadelphia, and until it opened its communication with the ships?

A. The army and its followers, I imagine, consisted of about 20,000 men.—I understood so from officers of rank in the army—I never saw the returns—but I understood that to be near the number.

Q. What was the disposition of the Middle Colonies in the spring of 1778, before you left Philadelphia?

A. I had good reason to believe, from the enquiries I made respecting the disposition of the people, that they were very generally desirous of giving up their new rulers, and of being united with this country.

Q. Had you reason to believe that any gentlemen of weight

* [Isaac Ogden writes from New York, March 8, 1779, to Mr. Galloway:—

“Washington’s army, by the expiration of the term of the ‘nine-months men,’ is considerably diminished. He has not now in Jersey more than 3,000 men, and in Connecticut not so many. They talk of making new drafts from the militia. This is their last resort; and I am rather inclined to think the militia will refuse being drafted. The depreciation of their money has obliged them to give up all thoughts of their recruiting.”]

and influence in Pennsylvania were ready to exert themselves in disarming the disaffected in the several counties, and restoring the counties to the peace of the King?

A. Almost from the time that I went to Philadelphia with the army, to that of the evacuating of the place, gentlemen from many of the counties in the peninsula below, indeed almost all, and several counties in Pennsylvania, Philadelphia county, Bucks,* Lancaster, Chester, Cumberland, and some of the counties in Jersey, sent me assurances, that as soon as the British army should operate against General Washington, and drive him over the Susquehannah, or the Delaware, they would (could they be supplied with the arms they wanted) exert themselves in restoring the several districts to the peace of the crown, and that they had no doubt of accomplishing it.—I believed this information.—I will not say whether I gave it to Sir William Howe; because I don't recollect whether I made out a state of the facts before the intended evacuation of Philadelphia; but I gave a paper to this amount to Sir Henry Clinton, and, I believe, to Mr. Eden and Governor Johnstone.—But I am not certain whether I gave it to Sir William Howe or not.

Q. When Sir William Howe arrived off the mouth of the Delaware, were there any obstructions to his landing below the Chevaux-de-frize, and above Bombay Hook?

A. There was no obstruction that I know of.—There were no forts below the Chevaux-de-frize, nor any obstruction, unless the water-guard, that lay above the Chevaux-de-frize, might be deemed an obstruction.

Q. Were there, to your knowledge, any regular force in the province of Pennsylvania at that time?

* [General Washington to the Council of Safety of Pennsylvania. Headquarters, Bucks Co., Dec. 15, 1776. * * * “The spirit of disaffection, which “appears in this country, I think deserves your serious attention. Instead of “giving any assistance in repelling the enemy, the militia have not only refused “to obey your general summons and that of their commanding officers, but, I “am told, exult at the approach of the enemy, and in our late misfortunes,” &c.—*Sparks' Washington*, iv. 223.]

A. There was none.—I made particular enquiry of the inhabitants of Philadelphia and others.—I enquired of a gentleman who lived at Newcastle, and was on the spot.

Q. What was the distance between the Bite of Newcastle and the road leading from Elk Head to Philadelphia?

A. About seven or eight miles.

Q. Where was Mr. Washington's army at the time the King's fleet and army were off the Delaware?

A. They were in the Jerseys.—I speak to this from a particular enquiry from the inhabitants in Pennsylvania; and, from the best information I could get of Washington's army, they did not pass the Delaware from Jersey until about the 10th or 12th of August.

Q. When did the rebels pass through Philadelphia?

A. I was informed that they passed through about the 23d of August?

Q. From whom had you that information?

A. I do not know it from my own knowledge, but from the general declaration of the people who were on the spot.

Q. Had you any communication with Sir William Howe, respecting his going up the Chesapeak, and what communication?

A. After my return from Hillsborough to New York, I met on the road accidentally Lord Howe. From a conversation which passed between us, I suspected that Sir William was going with his fleet and army round to the Chesapeak. I foresaw the difficulties he would meet with, and was distressed at it. Instead of pursuing my journey to the city, I returned to my friend's, where I had lodged the night before, Mr. Foxcroft, Deputy Post Master General of North America.* I told him,

* [Mr. Foxcroft appears to have had charge of Mr. Galloway's slaves. In his letter from Belleview, N. J., Feb. 28, 1779, he gives an account of the negro men and a woman. He also mentions "verbal messages" "from violent rebels "to gentlemen in this town, begging an interview with them at Elizabethtown, "wishing, of all things in the world, a restoration of tranquillity."]

that I apprehended Sir William Howe was going round to the Chesapeak. I asked him for pen, ink and paper. I put down in writing those difficulties, which I thought Sir William Howe would meet with, and which he ought to be apprised of. When finished, I shewed them to Mr. Foxcroft, and he approved of them, and I resolved to send them to Sir William Howe. I carried them to Capt. Montresor, through whom I often communicated with the General. Capt. Montresor, on perusal, approved them also, and said, he would cheerfully deliver them to the General. The difficulties I pointed out were in substance as follows.—The distance of the way round from the Hook to the head of the Elk; the constant prevalence of the southerly winds along the coast at that season of the year. In order to induce Sir William Howe to prefer going up the Delaware to the Chesapeak, I mentioned, that the distance from Newcastle to Lancaster, where I apprehended he might be going after Washington's magazines, was nearly about the same, as the distance from the head of the Elk—that the country was more open, and the roads better; and that, supposing his object was the magazines at Lancaster, his going up the Delaware would be an excellent cover to his designs, as the enemy would naturally conclude that Philadelphia was his object, and not those magazines. These, to the best of my recollection, were the difficulties and facts contained in the paper that I delivered to Capt. Montresor. If I am mistaken in any particular, it is from want of recollection, and Sir William Howe can set me right, as he had the paper. About eight or ten days after I had delivered the paper, Sir William Howe sent for me by Capt. Montresor, and asked me, how I knew he was going to the Chesapeak? I answered, I did not positively know it. He said, I did, from the paper before him. I replied, the paper was not positive, but conditional, supposing he intended to go there. He then asked, whether my objections rested on the difficulties of the navigation of the Chesapeak? I replied, they did not. I was a very

little while with Sir William Howe, and I don't recollect any thing else that passed.

Q. When it was known in Philadelphia, that that city was to be evacuated, what effect had it on the minds of the inhabitants?

A. The inhabitants of that city, a very few excepted, were faithful and loyal subjects of the Crown; many of them had taken a very decisive and active part on the behalf of the Crown—a measure of that kind could not fail, therefore, to strike them with great dismay and distress.*

Q. Did you, or any other person, to your knowledge, apply to the Commander in Chief, upon this occasion, for advice, respecting the measures proper to be pursued for your personal safety, and what was the advice given?

A. Sir William Erskine came down to me from Sir William Howe and Sir Henry Clinton, to give me notice, as superintendent of the city, that it was to be evacuated. I sent for the magistrates that were acting under me, immediately, to consult them respecting our own safety, and that of the inhabitants, who had taken a decisive part on behalf of the Crown. In our conversation, Mr. Schoemaker† repeated what he had told me a

* [In a letter, dated New York, January 11th, 1779, addressed to Mr. Galloway, in London, signed D. S., which is supposed to stand for David Sproat, who, according to his advertisements in "the Pennsylvania Ledger" and "the Royal Gazette," was "Vendue-Master" during the occupation of Philadelphia by the British, the "evacuation" is thus bewailed: "Great schemes have been on foot to purchase the goods and merchandise we have on hand before we depart, the sweets of which some of them felt at our leaving Philadelphia. Unhappy evacuation! It confirmed the people in an opinion, which artful men had long been endeavoring to establish. It supported the rebellion, and brought misery and distress on the best friends of government. A scene, however well painted, bears but a faint resemblance to what, I pray God, we may never see again:— "Therefore the Lord God sent him forth from the garden of Eden to till the ground.' Happy state when compared with ours; for we repaired on board of ships, and were obliged to till the sea with but a poor prospect of a crop to follow. Will the day never again dawn?"]

† [Samuel Shoemaker was an eminent merchant of Philadelphia, born in Germantown, in the year 1724. He was an alderman of the city, and several times

few days before, that Sir William Howe had advised him to go over to Washington, and make his peace. It was natural for us to consult together upon the consequences of that advice, and we all resolved not to follow it. However, we thought it necessary, as our safety was still unprovided for (our lives being attainted, and all that we had in the world confiscated), still to know what was to become of us. The magistrates, therefore, requested I would wait on Sir William Howe on the occasion, which I accordingly did immediately, when he gave us the same advice. I started a difficulty respecting the practicability of it; upon which he advised us to apply to Sir Henry Clinton to procure a flag to go out for that purpose. I returned to the magistrates, and reported what had passed; and we then seriously debated and considered among ourselves, whether we should follow the advice. One of the magistrates did not say so much on the subject as the two others did, which induced me to put the question singly, whether we should follow the advice or not. I put it to the magistrate who had said little first. His answer was immediately in the negative, and we unanimously agreed

Mayor. At the commencement of the Revolution, he adhered to the Royal Government, of which he was a zealous supporter. Becoming obnoxious to the Republican party, he left the city, and went to New York, from which place he sailed to England, where he was treated with great distinction, was much consulted by the Government, and by the Board of Commissioners, which was established for the purpose of awarding compensation to the American loyalists. In his first interview with the King, the King enquired: "How is it, Mr. Shoemaker, that Pennsylvania is so much in advance of the other provinces, though many of them were settled before it?" "May it please your Majesty," responded the Quaker, with great courtliness, "I presume it is because so many of the inhabitants are Germans, or of German descent," bowing, at the same time, to the Queen, who was a German by birth. The King shewed by his manner that he was gratified by the compliment paid to his wife, and said: "No, Mr. Shoemaker, it is, no doubt, because they are Quakers," "thus," as Mr. Shoemaker subsequently remarked, "fully returning the compliment." Mr. Shoemaker's estate was confiscated after the war, for which he was amply compensated by the British Government. He died in Philadelphia, October 10, 1800, in the seventy-sixth year of his age.—*Mr. Henry Pennington's MSS.*]

not to follow it. We however resolved, before we parted, to communicate our circumstances to Sir Henry Clinton, with the advice that was given to us, as we knew upon him, in a few days, the command of the army would devolve. I wrote a letter to Sir Henry Clinton, requesting an interview upon a matter which highly concerned the magistrates and citizens of Philadelphia. Not receiving an answer from Sir Henry Clinton so soon as I expected, and Col. Innis, a confidential friend of Sir Henry Clinton, calling on me, I communicated the whole that I have mentioned to him, and requested he would speak to Sir Henry Clinton on the occasion. A good deal passed between us. He seemed alarmed that we should be advised to go over to the enemy, and pointed out the consequences that would attend it, and immediately offered to go to Sir Henry Clinton, and bring us an answer relative to our personal safety. He soon returned and informed me, that what he should say I was not to understand as official from Sir Henry Clinton (he did not say so—but I understood, at the time, it was because the command had not then devolved on Sir Henry Clinton), and informed me, that Sir Henry said, he could not have granted a flag on such an occasion, had we requested it—that the game was not up—that the war was not over, but would still be carried on vigorously, and desired that we would not entertain a thought of going over to the enemy.

Q. If the magistrates of Philadelphia had gone over to the Rebels, what effect would that measure have had in America?

A. If the magistrates of Philadelphia had gone over to the Rebels under that advice, it would certainly have had every pernicious effect.—The people in general would have believed what the Rebels at that time industriously propagated,—that the contest was given up, and that America was to be evacuated.—They would, or at least great numbers of them would, have taken the oaths of allegiance, and abjuration to the States, and become their perfect subjects.

Q. Did you attend the army from Brunswic to Trenton in 1776?

A. Yes.

Q. At what time did the army march from Brunswic, and at what time did it arrive at Prince Town that day?

A. I lodged with General Vaughan the evening before, and understood the orders were to march at four o'clock.—The army did march very early; they arrived at Prince-Town about four o'clock in the afternoon.

Q. Where was Washington and his army at that time?

A. The main body of his army was at Trenton, a part at Prince-Town, and I believe a few advanced nearer to Brunswic, to observe the motions of the British army.

Q. Had you information, which you had reason to believe, with regard to the time of Washington's leaving Prince-Town that day?

A. I was informed by several of the inhabitants of Prince-Town, and particularly by the gentleman with whom I lodged, that Washington had left it about an hour before the van of the British army arrived.

Q. At what hour the next morning did the army march from Prince-Town to Trenton, and at what time did the army arrive at Trenton?

A. To the best of my recollection, the army marched between eight and nine o'clock in the morning, and arrived at Trenton about three in the afternoon.

Q. Do you know what was General Washington's force at that time, and by what means do you know it?

A. I have said before, that General Washington's force consisted at that time of about 3300 men.—A number of the inhabitants of Trenton made his force less; but Major Barnes, of the Provincial corps, who lived in Trenton at the time, and at whose house Washington took up his head-quarters, informed me, that by a return made to Washington the day before he passed the Delaware, his whole army, excepting Lord Sterling's

brigade, amounted to 2900 men;—and Lord Sterling's brigade did not, at that time, amount to 400.

Q. Is it your opinion, that it was possible or not, to have overtaken General Washington's army before it had crossed the Delaware?

A. I am no military man, and can speak only to facts, which, as far as they go, I am ready to answer.—Had Sir William Howe marched from Prince Town at four o'clock in the morning as he did from Brunswic, or at three o'clock, as he did from Philadelphia, to White Marsh, he certainly would have been at Trenton four or five hours sooner than he was.—Washington's last boat, in which he carried over his army, had not reached the opposite shore, when the van of the British army arrived at Trenton.

Q. How far is it from Prince Town to Trenton?

A. Twelve measured miles.

Withdrew.

Veneris, 18^o die Junii, 1779.

COMMITTEE on PAPERS presented by Mr. DE GREY,
the 19th of March last, pursuant to Address.

Mr. MONTAGU in the Chair.

JOSEPH GALLOWAY, Esq; called in, and examined by several
Members of the COMMITTEE.

Q. WHETHER, in your opinion, the river Delaware might
have been crossed by Sir William Howe when he came down
to Trenton with the army, and your reasons for that opinion?

A. There does not appear to me to have been any difficulties
to have prevented the British army from passing the Delaware
in December 1776, when Sir William Howe was at Trenton.—I
have said, that Washington's force was but small. The river
Delaware, in and about Trenton, is from 3 to 400 yards wide.
—At a place called Bond's Ferry, about two miles below Tren-
ton, I think the distance across the river is very near 300 yards.
—The ground at the place I have mentioned (Bond's Ferry) is
high, and perfectly commands the shore on the opposite side,
far beyond cannon shot.—Under these circumstances, I know of
no difficulty except that of the want of boats or pontoons.—I
had a conversation with Captain Montresor.

*Objection being taken to Mr. Galloway's giving an account of this
conversation, he was ordered to withdraw.*

Again called in.

Q. Had you any occasion to examine particularly into the
practicable means of passing the river?

A. The conversation I intended to have mentioned, was only as introductory to a most material fact, which was, that, at Captain Montresor's request, I did enquire, whether there were any materials in or about Trenton, with which pontoons, boats, or rafts might be constructed; and I found 48,000 feet of boards, a quantity of iron, and there was timber enough about Trenton for that purpose.

Q. Did you find boats or schoughs?

A. I did;—there were two boats in a mill pond, at a little distance from Trenton.—I did not see them, but they were reported to me to be there.

Q. How many men would those boats carry at a time?

A. I understood from fifty to sixty men a-piece.

Q. In what time, from the information you got, did you understand that a bridge might be made to pass the river?

A. I am not competent to answer that question from my own judgment, and I made no enquiry respecting it.

Withdrew.

Called in again.

Q. Did you see the boards you mentioned?

A. I did not.

Q. When the British troops took possession of the Jerseys, were any proclamations issued, or measures taken to conciliate the minds of the people to the British Government?

A. There was a proclamation; I understood it was issued when Sir William Howe was in the Jerseys; I met with him at Brunswic. I really cannot be certain as to the date.—By this proclamation, a pardon was offered to all such of the inhabitants as should come in and take the oath of allegiance to the crown, with a promise or engagement to protect them in their persons and properties.

Q. In what manner were the inhabitants treated by the British troops after they received their protections?

A. Many of them, by far too many, were plundered of their property while they had their written protections in their hands,

or in their houses.—Friends to Government, and those disaffected to Government, shared the same fate in a great variety of instances.

Withdrew.

Again called in.

Q. Was that last answer given from your own knowledge?

A. From my own knowledge.

Q. By whom were such inhabitants plundered after they had received their protections?

A. By the British and Hessian troops.

Q. To your own knowledge?

A. I should be happy if the Committee would let me explain myself.—It may be expected, that I ought not to answer, to my own knowledge, unless I saw the fact committed.—That I did not, and yet I can assign such reasons, I think, as will justify me in saying—to my own knowledge.—The people plundered have come to me recently from the fact, with tears in their eyes, complaining that they were plundered of every thing they had in the world, even of the pot to boil their victuals.—I myself drew a memorial to Sir William Howe, in behalf of a friend to Government, who had been plundered of many thousands in Madeira wine;—that memorial was presented,—the determination of it was referred to General Robertson, whether the person should be paid for the wine or not (the person was Mr. Sharp of New York). This was settled, and I have reason to know of many other memorials that were presented on the like occasions.—I have seen them before they were presented;—and as to the fact of the plunder, many affidavits were taken on that occasion by the enemies to Government, which affidavits were published throughout all America*.

Withdrew.

* Whoever wishes to be fully satisfied in respect to the indiscriminate plunder and wanton destruction of property committed by the British soldiery, in the county of West Chester, in the province of New York, and in the towns of Newark, Elizabeth-Town, Woodbridge, Brunswic, Kingston, Prince Town, and Trenton in

Again called in.

Q. Was you with the army when they marched from Brunswick to Hillsborough?

A. I was.

Q. Do you know of any roads leading round Mr. Washington's camp at Middle Brook, on the North, by which Sir William Howe might have passed round between him and the Delaware and his magazines?

A. I never passed the road from Brunswick to Middle Brook*.

Q. Where were Washington's magazines at the time you were in the camp at Middle Brook?

A. His artillery magazine was at Norrington, about fifteen miles from Philadelphia.—The magazines of provisions were at Lancaster, Manheim, Carlisle, Lebanon, and I believe some at Reading—all in Pennsylvania.—I speak from accounts brought to me at New York, which I gave to Captain Montresor.

New Jersey, are referred to the Pennsylvania Evening Posts of the 24th and 29th of April, 1st, 3d, and 10th of May, 1777. [Many other proofs besides those here cited by Mr. Galloway might, if necessary, be mentioned. The cruelties perpetrated by the British armies, however sad to the individuals who suffered, operated most fortunately for the republican cause. They brought home to every man, even the humblest or the most loyal, the consciousness that there was an *enemy* in the land; an enemy which respected nothing, spared nothing. Their effect is thus described by Mr. Isaac Ogden (one of whose name, if not of his family, was barbarously treated, *Report of Com. to Congress*, April 18, 1777, *Pennsylvania Packet*, April 29, 1777) to Mr. Galloway, in a letter dated New York, Nov. 22, 1778. Speaking of the foraging party to Newbridge, he says: "The effect of it has been, that the wanton and indiscriminate depredation and waste committed have made many persons rebels, and deprived New York of a very considerable resource. The accidental *coup-de-main*, by which Baylor's regiment of dragoons was cut up, in some measure atoned for the blunder."]

* The chart of New Jersey will shew, that there is a road leading from Brunswick to Bound Brook, and from thence to Easton; and it is known, that in that part of the country, which is full of plantations, there are many roads leading round Washington's camp on his right and left, in which there can be no doubt but Sir William Howe might have passed with his army even to the Delaware. With these facts he could not be unacquainted, as the Surveyor of the district in which Washington was encamped, was at the time with the British army.

Q. Could General Washington, in your opinion, in case General Howe had crossed the Delaware, have remained in the Jerseys when his magazines were in the places you have mentioned?

A. He certainly might if he had chose it, and had determined to abide the consequences which might have attended the loss of his magazines *.

Q. Do you apprehend he might have maintained his army with provisions and stores without those magazines?

A. Not in any short time.

Q. Were there any preparations made by General Howe for crossing the Delaware at or before his march to Hillsborough, and what were they?

A. There were a number of pontoons built at New York; a number of flat-bottomed boats prepared and put upon carriages;—these were carried to Brunswic; taken out of the water and put upon carriages at Brunswic—they were not carried to Hillsborough, but left at Brunswic.

Q. Do you know whether the Delaware is fordable above or below Trenton?

A. In the summer, it is fordable in a great variety of places.—In June, July, August, September, and October, the passage over is interrupted occasionally only by heavy rains.—The freshes in the Delaware generally subside in four or five days after the rain ceases.

* Had Washington remained in the Jerseys, and permitted Sir William Howe to have passed into Pennsylvania without giving him battle, his magazines of military stores and provisions must have been lost, if Sir William Howe had chosen to have taken them.—Philadelphia must have fallen into his hands, and the whole province submitted.—It is therefore not to be presumed, that Washington would have been so destitute of regard for his own interest, as not to have either fought the British army in Jersey, or have left his strong post, as it is called, and passed over the Delaware with a view to the defence of objects upon which the force and existence of his army so materially depended. For these he fought at Brandy-Wine in August, and for these he must have fought in New Jersey or Pennsylvania in June, or lost them.

Q. Were there any particular circumstances to make you suppose it was not fordable at that time?

A. Whether the rain, while we were at Hillsborough, made it unfordable or not, I cannot tell.

Q. Have you had your pardon?

A. I have not.

Here the witness was interrupted, and ordered to withdraw.

Again called in, and proceeds in his answer to the last question.

A. I did not apprehend, and I am perfectly conscious in my own mind, that I have never done anything that requires a pardon. I beg that I may have an opportunity, in a brief manner, of explaining my conduct in Congress—and then I will proceed to shew that a pardon was denied, as unnecessary.—I went into Congress at the earnest solicitation of the Assembly of Pennsylvania.—I refused to go, unless they would send with me, as the rule of my conduct, instructions agreeable to my own mind;—they suffered me to draw up those instructions;—they were briefly, to state the rights and the grievances of America, and to propose a plan of amicable accommodation of the differences between Great Britain and the Colonies, and of a perpetual union; I speak now from the records of Pennsylvania, where these instructions are.* Upon this ground, and with a

* [These instructions, as they appear in the Pennsylvania Packet of Sept. 5, 1774, are as follows:—

*“Instructions of the Assembly of Pennsylvania to the Delegates for the said Province,
“appointed to meet the General Congress.*

“GENTLEMEN: The trust reposed in you is of such a nature, and the mode of
“executing it may be so diversified in the course of your deliberations, that it is
“scarcely possible to give you particular instructions respecting it. We shall
“therefore only in general direct, that you are to meet in Congress the Commit-
“tees of the several British Colonies, at such time and place as shall be generally
“agreed on, to consult together on the present critical and alarming situation
“and state of the Colonies, and that you, with them, exert your utmost endea-
“vors to form and adopt a plan, which shall afford the best prospect of obtaining
“a redress of American grievances, ascertaining American rights, and establish-
“ing that union and harmony which is most essential to the welfare and happi-
“ness of both countries; and in doing this, you are strictly charged to avoid

heart full of loyalty to my Sovereign, I went into Congress,—and from that loyalty I never deviated in the least. I proposed

“everything indecent and disrespectful to the Mother State; you are also directed to make report of your proceedings to the next assembly.

“Signed by order of the House.

“JOSEPH GALLOWAY, *Speaker*.

“PHILADELPHIA, July 13, 1774.”

These instructions are mentioned, in part (*ante*, p. 6), in Mr. Galloway's note; but it seemed advisable to print them in full, as bearing on the personal history of one of whom it may be said, that “he was the best abused man” amongst the loyalists. It is but just, that in judging of any one's course, we should give due weight to the education and considerations which determined it; and, however much we may condemn the line of action adopted by him, yet common honesty and Christian charity alike require that a proper allowance should be made for the circumstances which led him to pursue it.

Mr. Galloway was born in Kent County, Maryland, in 1731. His father, Mr. Peter Galloway, sprung, I believe, from a highly respectable family, which had settled in that province prior to the year 1640 (*Dr. C. Morris's MSS.*), appears, from the advertisements concerning the settlement of his estate, to have been a man of large landed property. Thus, by his birth, he was subjected to the aristocratical influences which even yet linger among the wealthy planters of certain sections of that State. He studied law, most probably in Philadelphia, for his father died whilst he was very young; at all events, he settled here upon coming to the bar. In no city of our country was professional success, at that day, attended with more lucrative rewards. Here, too, were others, like himself of Maryland lineage, whose names became justly conspicuous in Pennsylvania history. Doubtless, the refined and attractive character of its society also had an influence in determining his choice of a home. He applied himself assiduously, and his talents and industry speedily obtained for him high position, both professional and political: in proof of which, I may mention that, in 1769, he was one of the three members of the bar called to testify before the Supreme Court as to “the custom in the Province in taking acknowledgments of deeds by married women.” (*MS. Pennsylvania Reports*, 145, Law. Assoc. Lib.; a note of the rulings in the case is to be found *Dallas*, i. 22, *Wharton's* ed.): and in a letter dated Sept. 19, 1756 (*Pennsylvania Letters*, 64), which is the earliest mention of him as a politician that I have met with, he is, when only about five-and-twenty, spoken of as a prominent man. His political career is narrated by himself in the opening of this Examination. His course in the Assembly, as the leader of the anti-proprietary or provincial party, is too well known to require a word here; but it must be borne in mind, that the object for which that party so strenuously

a plan of accommodation in the Congress, agreeable to my instructions;—some of the best men, and men of the best fortunes,

contended was the resumption by the crown of a government, which had been so improvidently granted, and which had, as they believed, worked injuriously to the interests of the province.

It must also not be forgotten, that “the French and Indian wars” had brought desolation and slaughter upon the western borders of the colonies, but on none more than Pennsylvania. In that struggle, Great Britain had aided with both men and money. The recollection of that period was particularly prominent in Mr. Galloway’s mind, owing, perhaps, to the messages which, as Speaker, he had presented to the Governor on the subject. This alliance of the ancient enemies of the English race with a savage foe might again occur, and he dreaded its results to unassisted, perhaps disunited, or even hostile, States.

Again, the charter of Pennsylvania had expressly reserved to the king and Parliament the right of taxation by duties on commerce. (*Hazard’s Annals*, 494, &c. *Charter*.) It thus became a question whether resistance there could be justified, until it was placed, by resumption of the charter, on the same footing as its sister colonies. That it could *not*, was the opinion which Mr. Galloway undoubtingly held.

Lastly, even had Mr. Galloway entertained other views than those which he did, he entered Congress under instructions which plainly pointed out the course which he was to pursue; and however much politicians may now-a-days debate the right of constituents to instruct a delegate *already elected*, yet few, we presume, will doubt concerning the duty of a representative *chosen for the express purpose of maintaining a particular policy*.

In view of these facts, it is not very clear how Mr. Galloway could have acted, in Congress, otherwise than he did; nor how it rendered him obnoxious to the censure of having “changed sides, not from conviction nor from justifiable motives.” “A man of so great aptitude for the administration of affairs, of so mature a judgment, of so much political experience, of so penetrating sagacity, “of powers of mind that led his fellows in masses, can hardly stand excused “upon the most charitable view of his conduct that is possible.” (*Sabine’s Loyalists*, s. v. Galloway.)

But, besides these facts, we must further consider that Mr. Galloway, in common with many others “of undoubted patriotism,” believed that there was a constitutional mode of redress. For that he was willing to go as far as any man, either in blood or fortune, short of what he believed to be treason. (*J. Adams*, ii. 388.) That last step his inclinations, his convictions, his “instructions,” his obligations, the laws, which he revered and professed to expound, forbade him to take. He dearly loved the land of his birth, but he also dearly

espoused the plan, and drew with me.—It was proposed and debated a whole day, and carried upon the question, six Colonies to five, that it should be resumed and further considered.*—I have in my hand the introductory resolve of Congress in my own writing, which identically was delivered by me in Congress.—It is indorsed in the hand of Charles Thompson, the then and present Secretary to the Congress.†—The introductory resolve is but short, and I will, therefore, for the information of the Committee, and in vindication of my own reputation, beg leave to read it.

loved the land of his fathers, and was unwilling to aid in the dismemberment of that great empire which, if it remained intact, would, as he believed, hold the destinies of the world in its keeping.

However much Mr. Galloway's course may be criticized or blamed, one thing at least is certain; that he followed it with sincerity, and with ruinous loss to himself. He forfeited the estates which he had acquired by his toil and skill, he gave up the emoluments of a lucrative practice, he surrendered high political position and prospects, himself and family became exiles, and, away from all the much loved and cherished associations of his youth and his manhood, ended his days in obscurity and amongst strangers. In a letter written by his daughter, and mentioned elsewhere in these pages, I find the following lines quoted as applicable to her father's fate:—

“ Though many an epitaph of thine was known
 “ To grace the cold, commemorating stone,
 “ Thine own remains, in some neglected spot,
 “ Now lie unsung, unheeded, and forgot.”

Mr. Galloway died in England, in September, 1803.]

* [Gordon's History, i. 409.]

† [“ Among Mr. Duane's papers is found a copy of Dr. Franklin's plan of a union of the colonies, proposed in 1754, with an indorsement that it was offered to the Congress on the 28th of September, by Mr. Galloway, seconded and supported by the New York members, but finally rejected and ordered to be left out of the minutes.” Memoir of James Duane, of New York.—*Documentary History of New York*, iv. 1072.

It was not precisely “ Dr. Franklin's plan,” but differed from it in several particulars. “ Franklin's plan,” together with the minutes of the Albany Congress, are to be found in the *Doct. Hist. New York*, ii. 564, &c.]

He read it as follows:

"*Indorsed*, "Mr. J. GALLOWAY's Motion" 28th Sept. 1774."

"*Resolved*,

"That this Congress will apply to his Majesty for a redress of grievances, under which his faithful subjects in America labour, and assure him, that the Colonies hold in abhorrence the idea of being considered independent communities on the British Government, and most ardently desire the establishment of a political union, not only among themselves, but with the Mother State, upon those principles of safety and freedom which are essential in the constitution of all free Governments, and particularly that of the British Legislature. And as the Colonies, from their local circumstances, cannot be represented in the Parliament of Great Britain, they will humbly propose to his Majesty and his two Houses of Parliament the following Plan, under which *the strength of the whole empire may be drawn together on any emergency, the interests of both countries advanced, and the rights and liberties of America secured.*"

I beg further to observe, before I read the Plan,* that my great

* ["Among all the difficulties in the way of effective and united action in "1774—and they were far greater than the members of Congress were, at the "time, for very obvious reasons, willing to admit, or than the people of the pre-"sent generation, who judge only from results, are apt to imagine—no more "alarming one happened than the 'plan of a proposed union between Great "Britain and the Colonies,' presented on the 28th of September, by Mr. Joseph "Galloway, a delegate from Pennsylvania. Himself a gentleman of abilities, of "property, and of extensive influence on the popular side, he seems to have "accepted a seat in this Congress rather for the purpose of 'sitting on the skirts "of the American advocates,' than of promoting any valuable end. He prefaced "his formidable motion with a speech, of which the outline is now to be given. "How near he came to success, may be judged, not only from his own account— "which he afterwards gave in a pamphlet—but still more from the extreme "earnestness of his opponents to expunge from the record all traces of the pro-"ceedings, and to discredit his statements as those of a renegade and traitor. "Nevertheless, there is no good reason for doubting his substantial accuracy."—*Works of John Adams*, ii. 387 (note). It should be observed that Mr. Galloway's statement (*ante*, p. 42), relieves him from this charge of entering Congress with a sinister purpose.]

object was to prevail on the Congress to take the ground of accommodation, and to avoid that of arms; and therefore, in forming the plan, I omitted several things that I thought might obstruct their taking that ground. I do not, therefore, propose it as a perfect plan, nor altogether as a plan of my judgment.

Withdrew.

Called in again, and proceeds.

The reason why the plan was not altogether to my judgment was, because I thought it would admit of some very material additions, and not that I disapproved of the plan as far as it went.

Reads the Plan, as follows:

“A PLAN of a proposed UNION between Great Britain and the Colonies of New Hampshire, the Massachuset’s Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the three Lower Counties on the Delaware, Virginia, North Carolina, South Carolina, and Georgia.

“THAT a British and American legislature, for regulating the administration of the general affairs of America, be proposed and established in America, including all the said Colonies, within and under which government each Colony shall retain its present constitution, and powers of regulating and governing its own internal police in all cases whatever.

“That the said Government be administered by a President General to be appointed by the King, and a Grand Council to be chosen by the Representatives of the people of the several Colonies in their respective Assemblies, once in every three years.

“That the several Assemblies shall chuse Members for the Grand Council in the following proportions, viz.

New Hampshire,	Connecticut,
Massachuset’s Bay,	New York,
Rhode Island,	New Jersey,

Pennsylvania,
 Delaware Counties,
 Maryland,
 Virginia,

North Carolina,
 South Carolina,
 Georgia.

who shall meet at the city of _____ for the first time,
 being called by the President General, as soon as conveniently
 may be after his appointment.

“That there shall be a new election of members for the General Council every three years; and on the death, removal, or resignation of any member, his place shall be supplied by a new choice at the next sitting of the Assembly of the Colony he represented.

“That the Grand Council shall meet once in every year, if they shall think it necessary, and oftener if occasion shall require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President General, on any emergency.

“That the General Council shall have power to chuse their own Speaker, and shall hold and exercise all the like rights, liberties, and privileges as are held and exercised by and in the House of Commons of Great Britain.

“That the President General shall hold his office during the pleasure of the King; and his assent shall be requisite to all acts of the Grand Council, and it shall be his office and duty to cause them to be carried into execution.

“That the President General, by and with the advice and consent of the General Council, hold and exercise all the legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the Colonies, in which Great Britain and the Colonies, or any of them, the Colonies in general, or more than one Colony, are in any manner concerned, as well civil and criminal as commercial.

“That the said President General and Grand Council be *an inferior distinct branch of the British Legislature, united and incorporated with it* for the aforesaid general purposes, and that any

of the said general regulations may originate, and be formed and digested, either in the Parliament of Great Britain or in the said Grand Council, and being prepared, transmitted to the other for their approbation or dissent; and that the assent of both shall be requisite to the validity of all such general acts or statutes.

“That in time of war, all bills for granting aids to the Crown, prepared by the Grand Council, and approved by the President General, shall be valid, and passed into a law, without the assent of the British Parliament.”

Under the circumstances of my whole conduct, as well in Congress as out of it, I did not apprehend, that I had done any one act that required a pardon; and yet, as I was a member of that Congress, I did apply to the then acting Secretary of the Commissioners, and tendered myself to comply with the proclamation, by taking the oath of allegiance, and thereupon to receive a pardon*.

* The plan proposed by Mr. Galloway gave the independent faction much uneasiness, as they saw it contained the great outlines of an union with Great Britain, which were approved of and supported by a considerable majority of the gentlemen of abilities, fortune, and influence, then in Congress; from whence they justly concluded it would be agreeable to the people at large; and, should it be adopted as the ground of reconciliation, their scheme of Independence would be totally frustrated. Mr. Adams and his party left no means in their power unessayed, to prevail on the members of Congress to reject it on the second reading, and lest this step should fail of success, to incense the mob in Philadelphia against it. At this time, the minds of the lower ranks of people in Philadelphia, who were governed in a great degree by Mr. Adams, being prepared for the most violent measures, Mr. Galloway and his friends thought their personal safety depended on not renewing the motion. But this did not satisfy the violent party in Congress. Conscious that it would be approved of by the people at large, if published, and believing that Mr. Galloway would not venture to make it public, they procured a majority, who ordered it, with the introductory motion, to be erased from their Minutes. However, after the Congress broke up, much pains being taken to traduce the conduct of Mr. Galloway, he thought it necessary, at all events, to vindicate his injured character, by stating the rights of both countries, upon the ground, and from the arguments he made use of in the Congress. This vindication, with the uniform and indefatigable opposition which

Q. What year was it you tendered yourself?

A. I think it was in January, 1777. I was told by Mr.

he gave to every violent measure tending to a separation of the Colonies from Great Britain, will appear in two pamphlets, entitled, "A candid Examination of the mutual Claims of Great Britain and the Colonies, with a Plan of Accommodation on constitutional Principles;" and "A Reply to an Address to the Author of a Pamphlet, entitled, A candid Examination, &c."

Immediately after this Congress was dissolved, Mr. Galloway published his plan in the first mentioned pamphlet, and gave to the people the following account of his conduct. "In order to prevail on the Congress to desert their scheme of Independence, and to pursue those measures for restoring the rights of America which carry with them a prospect of success, he proposed a plan of union between the two countries, which would have restored to the Colonists the full enjoyment of their rights. He waited first, with patience, to see whether any scheme of union would be adopted by the Congress, determined to unite with them in any measure which might tend to a *reconciliation*; but he waited in vain. And when he found them bewildered, perpetually changing their ground, taking up principles one day, and shifting them the next, he thought it his duty, however little the prospect of success, to speak his sentiments with firmness, and to endeavour to shew to them the true line of their duty. And after proving the *necessity of a supreme authority over every member of the state*, tracing the rights of the Colonies to their origin, and thence shewing the necessity of an union with the Mother-State, he introduced the plan with the resolve which precedes it; but declared, that he was sensible it was not perfect—that knowing the fundamental principles of every system must be first settled, he had, to avoid perplexity, contented himself with only laying down the great outlines of the *union*; and should they be approved, he had several propositions of lesser consequence to make, in order to render the system more complete. The plan being read, and warmly seconded by several gentlemen of the first abilities, it was referred, for further consideration, by a majority of the Colonies. Upon this promising aspect of things, he was led to sign the Non-importation agreement, *although he had uniformly opposed it.*" See page 51, 52. [For Franklin's opinions and criticisms upon this plan, see *Sparks' Franklin*, viii. 144.]

The efforts of this gentleman in Congress, to prevail on them to desert their views of Independence, being frustrated, he returned to the Assembly, where he was again unanimously elected to the chair; but he refused it, wishing to be on the floor to speak to measures he had resolved to propose in that body. These were, that they would take the ground of negotiation, not of arms—to disapprove of the proceedings in Congress, and to withdraw their Delegation from it. The first and second he carried on a division 18 to 14, and the third he lost by a single vote only, occasioned by several false and seditious letters, written by the disaf-

Searle, who was the Secretary, that he would not give a pardon, because it was not necessary. I desired he would mention it to Lord Howe. I saw him a few days after, and applied again for a pardon. I received the same answer, that he would not give me one, because it was not necessary.

Q. Is Mr. Searle a barrister at law, and what office was he in?

A. I don't know whether he is a barrister; he was acting Secretary to the Commissioners, and was granting pardons.

Q. Did you ever apply to Lord, Sir William Howe, or Mr. Strachey their Secretary, on that subject?

A. Not personally. I thought two applications to the acting Secretary were sufficient.

Q. Are you not of the profession of the law?

A. I am.

Q. Did you think that Mr. Searle understood the nature of your proceedings in Congress better than yourself?

A. I imagine he did not; nor do I think a person being in an assembly of people (if I understand any thing of the law), which assembly does an illegal act, and that person does not assent, but objects to it (as all guilt must originate in the mind),

affected in this country, which unfortunately arrived *on* the morning before the question was put. Notwithstanding this conduct, the same Assembly unanimously appointed him, when absent, again to represent them in the next Congress. On his seeing the minute, he informed the House he would not serve them in that capacity, and insisted they should erase the appointment; but such was their confidence in him, and hope that he would change his resolution, they could not be prevailed on to do it, although he declared, if it would be decent, and the minute was in his power, he would erase it himself.

After he found these exertions to stem the torrent of violence in vain, he retired to his seat in Bucks, where he remained several months in the utmost danger from mobs raised by Mr. Adams to hang him at his own door; but these were suppressed by the vigilance and affection of his friends in the city.

Soon after, the Congress being desirous to gain him over to their measures, and hoping that his danger might induce him to change his conduct, Dr. Franklin came up to him in Bucks, and earnestly solicited he would join in their measures; but, unalterably fixt in his duty to his sovereign, he refused, determined to abide the consequences, however disastrous they might prove to himself and his family.

is guilty; and I believe no authorities of the law will justify a contrary doctrine.

Q. Have you not signed the Association?

A. I did—and I will give my reasons. I did it on the ground of preventing the Congress from proceeding to more violent measures; and even when I consider that Association, if this was a proper place to reason on the signing of it, I think there was no degree of guilt in it.*

Q. Does not that Association begin with a declaration, purporting, that the situation of American affairs was unhappy, and that it was occasioned by a ruinous system of colony administration, adopted by the British Ministry about the year 1763, evidently calculated for enslaving the Colonies, and with them the British empire—that acts were passed for depriving the American subjects of the constitutional trial by jury, exposing their lives to danger by a new and illegal trial; and that

* [The course of himself, and those who thought with him, in Congress, was at the time stigmatized, and he, as he states, was threatened with violence. But lately, in Mr. Flanders' excellent *Lives of the Chief Justices* (p. 100, *et seq.*), it has been impartially reviewed and fairly pronounced upon. "We think it must be "admitted," says Mr. Flanders, "that, in the case of Galloway, there was no "sudden and unexpected change of sides. Before the Congress of 1774, his "position was well understood. He became a member of that body with a well-
"defined purpose. His object, avowed to the Assembly of Pennsylvania, and
"approved by them, was to establish the union between the mother country and
"her colonies on a firm and lasting basis. His support of the measures adopted
"by the Congress cannot fairly be deemed inconsistent with the views he then
"entertained. He supported these measures as a means to an end, viz: the
"adoption of his plan of union. *Per se*, and standing alone, he condemned them.
"He openly declared his sentiments to that effect on the floor of Congress. But
"as an expedient, and in the state of public sentiment at the time, he might
"very properly waive his objections, and lend his name and voice to a line of
"policy which his judgment disapproved. * * * In truth, the position of
"Galloway was occupied by numbers of pure and honourable men in every
"colony. * * * And we are bound to say, that, considering the aspect of
"affairs, and the plan itself, we can discover, in the one nor the other, neither
"feature nor complexion which should have forbid a patriot to propose such a
"mode of adjustment, nor a patriot to support it."]

the Quebec Act for the establishment of arbitrary government, discouraging the settlement of the British subjects in that country, and to dispose the inhabitants to act with hostility against the free protestant Colonies, whenever a wicked ministry should choose to direct them ?

A. I declare to this Committee, I don't know whether that was in the Association or not.—I have never read the Association since I signed it, which was near five years past, I liked it so little.

Q. Did you read it before you signed it ?

A. I did not read it before I signed it, but it was read to me, or else I could not have said I disliked it.

Q. You signed it notwithstanding ?

A. I did sign it notwithstanding, and I have given my reasons for it*.

Q. Did it not contain an agreement, not to import from Great Britain into America the goods which might legally have been imported, or to export those which might legally have been exported to Great Britain ?

A. The substance of the Association is really out of my mind.—I suppose it did.—I am ready to answer all questions, although they may tend to criminate myself, if the Committee approve of it.

Q. Whether this Association did not contain a resolution that they would never have any connection with any merchant that made such importation or exportation ?

A. I don't recollect any one particular article of the Association. If the honourable Member will give me the paper in his

* Many of the introductory sentiments contained in the association agreement were used by the Congress on various other occasions.—Mr. Galloway must have a very tenacious and extensive memory to have recollected particular sentiments contained in a particular paper, which he had not read in the course of five years. If he had recollected that the clauses mentioned in the question were in the agreement, he could have no motive to deny it, as he knew the agreement must prove whether they were in it or not.

hand, which I suppose contains the Association, I will inform him.

Q. Whether that Association was not to continue until several acts of parliament were repealed ?

A. It is very probable it might.—I don't recollect when the Association expired, nor the terms upon which it was to expire.—The Association is a public paper, and will speak for itself.

Q. Do you think, if such resolutions be contained in the Association, they are agreeable to law ?

A. I am ready to submit to the decision of the law, with respect to that matter, whenever I am called upon.

Q. Did you not sit in the Committee of Grievances ?

A. I sat in the Grand Committee that were appointed to state the grievances, and propose the Plan of Accommodation with Great Britain.—It was one Committee.

Q. Did not that Committee come to a resolution that three statutes, viz. The Boston Port Bill, the Massachusetts's Charter Bill, and the Act for the Impartial Administration of Justice, are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights ?

A. They did, I believe, but not with my approbation ; because I thought then, and think still, there were sufficient grounds for making those acts.

Q. Did you declare that in Congress ?

A. I don't know that I did—I do not recollect.—It is very possible I might ;—for I did in Congress things equally disagreeable to the violent party—insomuch that they sent me a halter, with a letter attending it, threatening to put me to death if I did not make use of it.—This much I can say, that there was no violent measure proposed in it, that I did not oppose, and to which I did not insist upon leave to enter my protest, which was denied me.*

* [In some of the newspapers of the day are to be found violent and scurrilous attacks on Mr. Galloway, in some of which language too obscene for print is used. (*E. g.*, *Pennsylvania Packet*, May 27, 1777, copying from the *Gazette* of

Q. Who sent that halter and its accompaniments? Was the letter signed by Charles Thompson, Peyton Randolph, or by any other Member of Congress?

A. I don't know positively who sent it; it was some infamous assassin, I presume, on the part of the violent part of the Congress.—It was reported that two Members of the Congress were concerned in it; but as I don't know the fact, I don't mention their names.—The letter was anonymous.*

Q. Do you know that you offered your protest on that question of the resolves concerning the three statutes?

A. I don't remember that particularly, more than in the course of the other parts of my conduct.

Q. Do you remember that the Congress came to a resolution, that the dutiful, humble, loyal, and reasonable petitions of their Assemblies to the Crown for redress have been repeatedly treated with contempt by his Majesty's Ministers of State?

A. I really don't recollect that they came to such a particular resolution.—Possibly they might, and it is very probable they did.—I have not read over the proceedings of Congress since I left it.

May 14.) Amongst other things, it is said (*Packet*, January 21, 1778): "It is owing to your poisonous influence that Gov. Franklin has taken part against his country, and now suffers in disgrace; and that his amiable lady is brought to misery and disgrace." The falsity of these charges may be inferred from the letter of the New Jersey Convention, on which was based the *resolution of Congress*, June 24, 1776, ordering Gov. Franklin into the custody of Gov. Trumbull; and also from the "affectionate" terms in which Gov. Franklin (an extract from one of whose letters is given, *ante*, p. 4) addresses Mr. Galloway.]

* [This halter is thus immortalized in "McFingal:"—

"Did you not, in a vile and shallow way,
 "Fright our poor Philadelphian, Galloway,
 "Your Congress, when the loyal ribald,
 "Belied, berated, and bescribbled?
 "What ropes and halters did you send,
 "Terrific emblems of his end,
 "Till, least he'd hang in more than effigy,
 "Fled in a fog the trembling refugee?"

Trumbull's Works, ii. 99. Hartford, 1820.]

Q. Did they come to a resolution, that the keeping a standing army in the colonies in time of peace, without the consent of the Legislature of that colony in which such army is kept, is against law?

A. They did.—I remember it.

Q. Do you think that is agreeable to law?

A. I have no delicacy in answering that question.—But, as a lawyer, I would wish to consider questions of law before I give an opinion.—I ever made it my practice in matters of much less consequence than the present.

Q. Did you in that question vote before you had considered it?

A. I imagine not.—I must have considered it in the course of the debate.

Q. Have you forgot what you thought of it at that time; whether you then considered it as a true or a false proposition?

A. I really don't recollect what I thought of it; and I should wish to consider it before I give my opinion now: was it proposed to me out of this House, with a fee for my advice, I should choose to reconsider it.

Q. Whether the ten resolutions come to by the Congress in consequence of a report from the Grand Committee, which they demanded as their indubitable rights and liberties, are not entered in the journals as being passed *Nemine Contradicente*?

A. I don't recollect, at this time, how they were entered; but this I know, that many resolutions of Congress, when they were published, I found them entered unanimously, and *Nemine Contradicente*, when they were not so as to the individual Members.—The votes of the Congress were taken by colonies; some of the colonies were represented by nine Members; some by seven; some by five; and some by three; and whenever a majority of the Members, representing a colony, was for a question, it counted one; although four out of the nine were expressly against the question; and when all the colonies gave a vote in this way in the affirmative or negative, it was entered unanimously, or *Nem.*

Con.; although in some instances there were one-third of the Members present against the question carried.

Q. Do you recollect that these ten resolutions, which were considered by the Congress as their Bill of rights, met with any considerable opposition?

A. They did meet with a very considerable opposition.—The Committee sat near three weeks. The gentlemen who drew with me in opposition perplexed the proposals made by the violent party, as we acted entirely on the defensive;—so that they did not come to a single resolution for better than a fortnight, neither in stating their rights or their grievances.—And, as well as I can recollect, the Grand Committee did not determine on those resolutions.—To the best of my knowledge, the Committee was dissolved before they were voted, and that owing to the opposition these resolves met with.

Q. Did you give any considerable opposition to those resolutions, on the report, to the whole, or to which of them?

A. I have not one single one of them in my memory now; so I cannot say which I opposed, and which not.

Did you oppose any of them on the report?

A. I did make an opposition to some of them, I make no doubt, but I can't say which.

Q. Are you positive you made any opposition to any of them?

A. If I could see the ten resolutions, I could answer—otherwise not.

[*He looks over the resolutions in a printed book.*]

I opposed the 1st and the 4th.—The 2d and 3d I don't recollect.—The 5th I did not, nor the 6th.—The 7th I don't recollect.—The 8th I must have opposed.—I was of a contrary opinion to the 9th, and believe I opposed it.—As to the 10th, I don't recollect.

Q. Are they not all great fundamental points concerning the principles of the British constitution, which you as a lawyer must have frequently considered?

A. I may have considered them, but I don't know how frequently.

Q. Did not you think yourself particularly called upon at that time seriously to attend to them?

A. I did attend to them at that time.

Question repeated.

A. I don't know whether that idea entered into my head at that time; I don't doubt but that I did think of them; but I am speaking of very particular transactions that passed five years ago.

Q. Did not the Congress come to a resolution approving the opposition made by the inhabitants of Massachusetts Bay to the execution of the late Acts of Parliament; and that if the same should be attempted to be carried into execution by force, all America ought to support them in their opposition?

A. I remember a resolution to that amount.

Q. Did you oppose it?

A. I did oppose it; and I recollect particularly, I insisted in Congress, that they should suffer me to enter my protest.—Another Member (Mr. Duane)* joined me in it.—There was a long debate, and we were over-ruled.—We then insisted, that our motion for protesting should be entered on the minutes—with their negative.—It was refused; on which Mr. Duane and myself,

* [The Hon. James Duane, of New York, was one of the committee appointed by the Congress of 1774 to “state the rights of the colonies,” &c. He “and Mr. Jay, in conformity with the known wishes of their constituents, were for such measures as should secure the rights of the colonies as then understood, and yet continue them members of the British Empire.” During the Revolution he served more or less in Congress, though from time to time withdrawn to serve in the State Convention or Legislature. His attendance in the convention prevented his being present in Congress in July, 1776. After the war he was made mayor of New York, and in 1789, was, without any knowledge on his part until the nomination was made to the Senate, appointed by General Washington, Judge of the District Court of New York. General Washington, in sending him his commission, addressed him a letter of high, but deserved compliment. He resigned in 1794 on account of ill health. See an excellent *Memoir of James Duane*, by Hon. Samuel C. Jones, in the 4th vol. of *Documentary History of New York*.]

when we returned from Congress, gave each other a certificate, declaring our opposition to that question, as we thought it a treasonable one.

Q. Did you continue to attend Congress after?

A. I did;—but proposed to Mr. Duane to leave the Congress, and consulted my friends out of doors, respecting my personal safety if I did.—Could I have prevailed on him to have left the Congress with me, or had not my friends unanimously advised me that my personal safety would be in danger—I should certainly have left the Congress.—The city of Philadelphia, on the arrival of that resolve, was thrown into great confusion and disorder—the violent party insisting that it should be carried into execution; so that we were in great danger from our opposition.

Q. Was not there a resolution passed, entered *unanimously*, that every person acting under the authority of the Massachusetts charter act ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of that despotism which is preparing to destroy those rights which God, nature, and compact had given to America?

A. I believe there was such a resolution, but I don't know how it was entered.

Q. Did you oppose it?

A. I certainly did.

Q. Was not there a letter of Congress directed to be wrote to the people of England?

A. Yes.

Q. Did you consent to that letter?

A. I did not; nor to the letter to the people of Ireland; nor to any of the general letters that were wrote at that time.

Q. Did you consider the Congress as a full and free representation of the colonies*?

* Whoever forms an opinion of the dispositions of the people in the revolted colonies, from the measures of the Congress, does it on very mistaken principles. The minds of the people in general were peaceable and loyal; the measures of the Congress were violent and rebellious. These truths are evident from the

A. I did not.

Q. Was you freely chosen ?

A. I was chosen a Member of the Assembly of Pennsylvania,

proceedings of the people and the records of the Congress. It appears that the instructions given by the people who appointed the Congress, were only to seek for redress of grievances, and an union between the two countries, and not to take up arms in order to establish independence. They amounted to a prohibition against all *illegal measures*, especially such as tended to disunite Great Britain and America. The Congress, therefore, manifestly, violated their trust, and acted against the sense of the people who chose them.

Neither the first or any subsequent Congress can, in any sense of the words, be deemed "a full and free representation of the people." In the first, the Delegates of four Colonies only were appointed by the Assemblies, viz. those of Massachusetts's, Connecticut, Rhode Island, and Pennsylvania, and these Assemblies had no authority from the people to make such appointment. They were chosen for other purposes, and before a Congress was thought of. And as the right of delegating their power was not included in the constitution of their bodies, they not only acted illegally, but without the consent of their constituents. These Delegates, therefore, could not be the representatives of the people of their respective Colonies. And as to the other Delegates who were appointed by the conventions, and in districts by the people; it is well known in America, that they were not the representatives in many districts of one hundredth, and in none, even in the most zealous and violent, of a tenth part of the legal voters; and we have seen in the King's County, where there are not less than 1000 voters, the Delegate was appointed by one person only.

The other Congresses have not been a more perfect representation of the people than the first. The people having discovered at length the design and perfidy of their rulers, and experienced the severest oppression and distress under their government, as well as all the calamities of war, and dreading the consequences of the unnatural alliances with France, have very generally declined giving the least aid and countenance to their measures, and withdrawn themselves from having any share in their appointments; and being disarmed, have left it to a few violent men, who with arms in their hands, deprive them of all freedom of judgment. Hence we have seen, from a preceding part of this examination, that the Members of the whole rebel state of that Colony, and its Members of Congress for the year 1778, have been appointed by less than one hundred and fiftieth part of the people. In the province of New York, at an election of the Rebel Governor, who was warmly opposed by another candidate, there were not 1000 voters attended, although all in that large Colony had a right to join in the appointment. And the same aversion to support the present system of independence, has appeared in the conduct of the people in all the other Colonies.

and they appointed me a Delegate to the Congress.—After the instance I gave the other night of two men in a large district meeting together, and one of them appointing the other a Delegate in Congress, and that Member being admitted in Congress, I can hardly think, that the Congress was a perfect and complete representation of the Colonies.

Q. In what province do you speak of?

A. Of New York.

Q. Who was the person?

A. Mr. Boerum.

Q. Do you know that of your own knowledge?

A. I was not on the spot, but I had it from almost all the Delegates of New York.

Q. Were the other Delegates so chosen at New York?

A. They were not.

Q. Do you know of another instance of such a choice?

A. There were several instances where very few people met, compared with the numbers in the district.

Q. Do you speak of the first Congress in which you sat?

A. I do.

Q. What counties were there?

A. In the province of New York, as well as I recollect, the Delegates of the city of New York were appointed by the Convention of the city of New York.—The counties and districts sent others; so that, if I don't forget, there were more Members from that province than any other.

Q. But they had no more than one vote?

A. I have answered that before;—they had but one vote.

Q. Was that the case in the province of Pennsylvania—that they were not duly elected?

A. No;—when the Assembly of Pennsylvania were chosen, which was near eleven months before the Congress sat, the people had no idea of a Congress in their minds.

Q. Was the election a fair one in that Assembly?

A. It was received as such by the Assembly, and I believe it was.

Q. Do you know any instance out of the Colony of New York, of persons elected by a very few?

A. The Delegates of the Massachuset's Bay were chosen much in the same manner as those of New York; but it being a great distance from where I resided, I do not know what number attended their elections.

Q. Do you know that they were not fairly elected, and by great numbers of people?

A. I have no knowledge about it, as I never enquired into it, nor heard of it.

Q. Do you recollect what persons the militia of Pennsylvania, and other provinces with which you are acquainted, consisted of in 1774 and 1775?

A. There was no militia in Pennsylvania in 1774.—In 1775, there was;—they consisted of a very small part of the province of Pennsylvania.—The people took up arms with great reluctance in that province.—I think the militia of Philadelphia, where there are near 30,000 souls, never amounted to above 15 or 1600; and in the whole county of Bucks, they were short of that number.—I do not think there was a greater proportion in the county of Chester;—three of the oldest, first settled Colonies in the province.

Q. Who compelled them to take up arms in 1775?

A. The first militia was by a voluntary association, without any compulsion.

Q. Did any associate to oppose them?

A. I never heard of any such.

Q. In no part of Pennsylvania?

A. In none.

Q. Were not such associations formed in several other Colonies?

A. I believe there were.

Q. Did any associate to oppose them?

A. I did not hear so.

Q. Do you remember, in that year, that any great number of people were forcibly disarmed in the province of Pennsylvania?

A. I do not particularly recollect when they begun to disarm; but many people were disarmed, before the resolve of Congress by the Convention, and before the declaration of independence.

Q. How long before?

A. I cannot give a satisfactory answer.

Q. Was it in the year 1775?

A. I do not remember whether in the latter end of 1775 or beginning of 1776—but I rather think in 1775.

Q. Were they the greater number of the people that were so disarmed?

A. I rather suspect not;—they did not disarm those whom they did not suspect of making use of arms against them.

Q. How many do you think might have been so disarmed?

A. I really cannot say what proportion; I know they called on me for my arms.

Q. Do you think that the greatest part of the Pennsylvania militia were compelled at that time to serve by force?

A. The militia laws which were made in Pennsylvania, I think, were made after that time;—but I do not recollect that any of the militia, before those laws were made, were compelled to serve.

Q. Did they obey those laws?

A. Not generally.

Q. Quakers excepted, I mean?

A. There were Quakers, and a number of other sects, who scrupled carrying arms.

Q. Do you remember the march of Sir William Howe from the Elk to Philadelphia—was you with him?

A. I was.

Q. Is it not almost the whole length of the province in that direction?

A. By no means*.

Q. Is the province more extensive in that direction than from the Elk to the Delaware?

A. Not in that straight direction from the Elk to Philadelphia.

Q. Had Sir William Howe a strong army with him?

A. I should think a very strong army, considering the force in opposition to him †.—The force in opposition to him at the battle of Brandy Wine, did not consist of more than 15,000 men, the army and its attendants, including officers and all, save about 1000 militia, for whom they could not procure arms.

Q. How many of the King's loyal subjects joined the army of Sir William Howe on that march?

A. There were many came into the camp, and returned again to their habitations.—I do not know of any that joined in arms—not one—nor was there any invitation for that purpose.—By Sir William Howe's declaration, which is before this Committee, he only requested the people to stay at home.

* Sir William Howe's march was not in a straight direction from the Elk to Philadelphia, but in a circuit.—He marched first nearly north about sixty miles to the Schuylkill, then changed his route and passed to Philadelphia, about twenty miles in a course southward of east.—In the first direction, he might have passed an hundred miles farther than he did.

† The force of an army does not consist in numbers, so much as in military appointments and discipline.—The British army had the best appointments, and was composed of veterans, high-spirited and perfectly disciplined troops.—The Rebel army was not only very badly appointed, but consisted of new raised undisciplined troops, commanded, for the most part, by officers unskilled in military knowledge. Hence, we find, that the British troops have met with no difficulty in defeating them, however advantageously posted, and whenever they have been attacked. But in the five several complete defeats at Long Island, the White Plains, Quibble Town, Brandy Wine, and German Town, there was no pursuit after victory. This important part of military policy, so essential to final success, was in every instance omitted; and the Rebel General, with the assistance of the Rebel States, suffered to collect and recruit his diminished army, to renew the appointments lost in battle, and to appear again in force in the field. Under a conduct so erroneous, what avail superior numbers, discipline, or appointments? Force, however great, is useless unless exerted, and victory is vain unless pursued.

Q. If the people were so desirous of repressing the tyranny of the Congress, how came they not to take that opportunity of rising to protect themselves, and to deliver up the usurping magistrates?

A. The people in the province of West New Jersey had been deserted;—many of them who had taken an active part, and been assisting to the General, were obliged, to save their lives, to fly to New York for protection, and desert their wives, their families, and property; and more, it is not natural to think that people of property will join an army passing as that did, from the head of Elk to Philadelphia, leave their wives and families, and their property, liable to be destroyed every moment after the departure of the army, without some assurance, or without some protection left with them—or assurances that the army would continue with them, or be ready to protect them.

Q. Is that so in all the provinces?

A. I think it will be so all the world over *.

* It is truly absurd and ridiculous to expect that the people of a country, however well affected to us, who are destitute of arms or any of the means of war, will rise in our favour, without some encouragement offered, or the least commission or invitation to do so, more especially when that country contains a militia armed, and an army capable of keeping the field, ready to suppress them. Besides, the people of Pennsylvania had seen the British army in the possession of all New Jersey, and its troops cantoned from New York to Trentown, to cover it, and no measures pursued to embody the loyal in arms, or to make use of the well affected force within it for its defence. They had seen that army, by one-fourth part of its numbers of new raised undisciplined troops, driven out of West Jersey, and several thousands of his Majesty's faithful subjects who had taken a decisive part in our favour, abandoned to the exasperated resentment of their enemies. They had seen large bodies of loyalists rising in favour of the Crown, in the several Colonies of Maryland, the Delaware counties, North Carolina, and New Jersey, unsupported by the British army, and suppressed and severely punished by the Rebels. After these examples, it would certainly have been extreme folly in the people of Pennsylvania, circumstanced as they were, to rise in our favour, without the least assurance of aid or invitation to do so. It is certainly consistent with all experience and sound policy, when a General enters a country and wishes for the aid of a party in it, to solicit it, and to give them

Q. So that the loyal people are not able to protect themselves after the withdrawing of the army ?

A. I don't make that conclusion.—If an army goes into the country with design to reduce it, and should find it necessary to make use of the force of that country for its defence, after the army may leave it to go on other operations; common policy, and the practice, I believe, of all Generals has been, for the army to remain in that country until the proper measures are taken, by proper rules and regulations, to embody that force, by which it may be protected when the army shall leave it.

Q. How long did Sir William Howe stay at Philadelphia?

A. The British army, part of it, passed into Philadelphia the 26th of September, 1777—and evacuated it, I think, the 18th of June following.

Q. Was not that a sufficient time for the loyal people to collect and arm themselves for their own defence, in case Sir William Howe had chosen to quit that place and proceed on other operations?

A. During that time, Washington had as much possession of the country of Pennsylvania, except the lines within which the British army were contained, as any enemy could be in possession of a country.

Q. Did General Washington not consider himself as in an enemy's country, and the people as generally disaffected to him?

A. He did so in respect to intelligence, and I believe in respect to procuring provisions;—but Washington knew he could, and the people without the lines knew he would, in case they attempted to rise, send a party of his army to suppress them, which might be easily done, as the people well affected to Government were before disarmed.

the necessary support and means of doing it. The invitation, in all reason, should come from the General, not the offer from the people. His interest and duty demand it; the danger of their safety forbids it. If the people, labouring under such difficulties, are to blame for not offering their aid, how much more so is the General for not asking it?

Q. Was not General Washington defeated at Brandy Wine?

A. He was driven off the ground—which I call a defeat.

Q. Did the people take that opportunity to rise, or did they in very considerable bodies apply to Sir William Howe for arms and support, engaging to embody after that defeat?

A. In a few days after that defeat, Washington collected his army;—the people saw Washington again in some force;—they saw him march from Philadelphia, round to Goshen, to meet Sir William Howe.—That defeat gave them but little opportunity to rise.

Q. Did they rise, or send a message, promising to rise if protected?

A. They did not at that time.

Q. Did they, when General Washington retired, and Sir William entered into Philadelphia?

A. I cannot answer any question which may tend by a short answer to contradict what I have said before, without giving my reasons for it.

Q. Upon the retreat of Washington, and the entry of Sir William Howe into Philadelphia, was there any considerable rising of the people in favour of the King?

Withdrew.

Again called in.

Question repeated?

A. There was not; after the army went into Philadelphia, Sir William Howe remained at German Town; and although Washington's army retreated, when Sir William Howe crossed the Schuylkill, up towards Reading, very soon after he returned nearer to Sir William Howe's army about Skippach*.

* Washington's army, when in the field, was seldom posted at a distance more than fifteen miles, often within twelve. And during the time the British army remained in Philadelphia, his patrols constantly surrounded the British lines. He was therefore in the full possession and command of the country.

[That Mr. Galloway was not alone among the loyalists in the opinion which he entertained of Gen. Howe's inefficiency, may be seen from the following

Q. After the battle of Brandywine, had General Washington any considerable army in the lower counties?

A. He had not.

Q. Was there any insurrection in those counties against the Congress?

A. There was not;—but those counties very generally, in my clear opinion, from the head of the Elk, near 200 miles, to the Capes, would have rose in arms, could Sir William Howe, consistent with his operations, have remained for a month at the head of the Elk, or about Newcastle, that covered that peninsula, a reasonable time to admit of their putting themselves into a regular posture of defence, provided they had assurances of this, and an invitation and authority from him to do so.

Q. You having said that General Washington had no army in these counties, was there not a royal naval force in the river?

A. There was in the rivers;—but there were militia in those parts who had arms in their hands, and prevented the rest of the people from putting their wishes in execution.

Q. Did they apply to Sir William Howe, or Captain Hammond, or Lord Howe, or any other people in authority, for arms and assistance?

A. I don't know that they made any personal application to any of them; but I understood from Mr. Robinson, a gentleman of the first weight and influence in those counties, who came in to Sir William Howe at New York, that he had mentioned it either to Sir William Howe or his Aid du Camp, that he would, with a few men, land in the Peninsula below, in the course of

extract. Isaac Ogden, New York, 22d Nov. 1778, thus expresses himself to Mr. Galloway:—

“Thus has ended a campaign (if it deserves the appellation) without anything capital being done or even attempted. Now, will the historian gain credit, who shall relate, that at least 24,000 of the best troops in the world were shut up within their lines by 15,000, at most, of poor wretches, who were illy paid, badly fed, and worse clothed, and scarce, at best, deserved the name of soldiers? *But I forbear.*”]

the fleet's going round to the Chesapeake, he would engage to raise men enough, if he was provided with arms, to disarm the Rebels in that peninsula, and meet Sir William Howe at the head of the Elk.

Q. Was that, or any such application, made to Sir William Howe when he was in the city of Philadelphia?

A. I don't know there was.

Q. Did Mr. Robinson, when he made that application for joining Sir William Howe towards the Elk, know that Sir William Howe intended to proceed by the Elk and the Chesapeake?

A. I believe he did not know it, but I know that he had hoped or suspected it, because we had many conversations about it;—he hoped it, because he had his family and property there.

Q. What was the time of the first of these conversations?

A. It was about the time that the fleet was got ready at New York, and I repeatedly conversed with him on the same subject in Philadelphia—when he often regretted that he was not put on shore.

Q. Was not Sir William Howe out of the lines at the battle of Germantown?

A. Certainly he was; it was about four miles from the lines to Sir William Howe's head quarters.

Q. Was there at that time an insurrection in his favour, or any considerable invitation?

A. I did not hear of any.

Q. How many inhabitants were there in the city of Philadelphia?

A. I have said, about 21,600 when he went into the city.

Q. How many did the Provincial corps, formed by Sir William Howe, during all his residence in Pennsylvania, consist of?

A. I really cannot tell the exact numbers.—There were two troops of light horse raised, and I forget whether there was not a third. There were commissions for raising three regiments,—how many those regiments contained, I cannot tell.

Q. How many rank and file were there—were there one thousand?

A. I believe not.

Q. What is the reason why you, who are of the law, recollect so well the military transactions of Sir William Howe, and forget so many civil and legal matters that fell within your cognizance while you was a member of the Congress.

A. I have kept a journal, which I can produce to the House, from the time I left my own family, to the time I entered Philadelphia, in which I can shew the distance, latitude, the wind and the weather, during the whole voyage round, and other material transactions.

Q. Why did you not keep a journal or minutes of your proceedings in Congress, so far as related to yourself, your own conduct and opinions?

A. I have a great many minutes of my proceedings in Congress—short minutes on separate papers—notes that I spoke from; but I have never looked over those minutes since,—nor did I think of making a journal, at that time, of the proceedings of Congress.—I had not that leisure at that time which I had when I made my other journal.

Q. Was you kindly received, protected, and promoted to an office of trust and confidence by Sir William Howe?

A. I was received by Sir William Howe with politeness, and at his request I held the office (after considering it four days) of Superintendent of the Police of Philadelphia.

Q. Have you not lived in intimacy with Sir William Howe, frequently dining with each other?

A. I have frequently dined with Sir William Howe, and Sir William Howe dined once with me; but never was at my house but once besides, though we lived next door to each other.

Q. Did you make any complaint of incivility or unkindness from Sir William Howe whilst you was in America?

A. No—I don't recollect I did, nor have I said that he ever treated me with unkindness. The business that was done be-

tween Sir William Howe and myself, respecting his military operations, was done entirely by his Aid du Camps. When I came into him from the province of Pennsylvania, I had no personal conversation with him, or not for above eight or ten minutes, respecting the state of that province, nor ever any other personal conversation with him respecting the state of the Colonies in general.

Q. Had you a great property in America before those troubles, and is it now in your possession, or of your attorney?

A. I had very considerable property in America before the troubles. I have said before, my life was attainted by an Act of Assembly of the Rebel States, and my property confiscated. My estate was not short of 40,000*l.* Sterling, on a moderate valuation, before these troubles begun.

Q. Have you any hopes of recovering it but by the success of his Majesty's arms?

A. Without that co-operation, I have no hopes of recovering it.

Q. Do you receive any allowance from Government?

A. I do—but a very small pittance, compared with what I have sacrificed for Government.

Q. Is it for life, or during pleasure?

A. I know not, for I never looked or enquired into the appointment.

Q. (*by Lord Howe*) Don't you remember coming to Lord Howe's quarters in Philadelphia a short time before the town was evacuated, to ask his advice, how it would be best for you to proceed on that occasion?

A. I do.

Q. Did not Lord Howe recommend your staying in Philadelphia, if you should find it could be done with safety?

A. He did.

Q. Did not you then profess, that great attention had been shewn by Lord Howe and General Howe to your person and services antecedent to that period?

A. I don't recollect it. Something might drop from me to Lord Howe, respecting his confidence, and his attention to my family; but as to any attention to my services paid by his Lordship's honourable Brother, I don't recollect that any thing passed from me with respect to that, and I am inclined to think that nothing did; because the services that I performed, I thought, deserved as much as I received, and more*.

* While others, from very low circumstances, were amassing immense fortunes under the General, Mr. Galloway, for all his extensive and very important services, was allowed only at the rate of 200*l. per annum* for the first year, and for the other six months at the rate of 66*5l.* So that all he ever received from the General amounted to the small sum of 537*l. 10s.* paid out of the public purse; and as the receipt of this sum has been mentioned to invalidate his credit, it is but just that we should give a brief account of the services he performed for it. While he remained at New-York, he was assiduous in procuring intelligence of the state of the Middle Colonies, the rebel force, and of the water-guard in the river Delaware, &c. When at Philadelphia, he accepted the offices of Superintendent of the Police, of the Port, and of the prohibited Articles—offices which, being founded entirely on new principles, and being of the first importance to the inhabitants, as well as the British service, required a great diversity of attention and incessant application. He also superintended the avenues of the British lines, appointing persons acquainted with the people passing them, whose report he received every evening. On him the General, in a great measure, relied for intelligence. His diffusive knowledge of the Middle Colonies, his influence and popularity, enabled him to procure the best. He was applied to and consulted on business in almost all the general and different departments of the army: by the Quarter-Master-General, to procure guides and horses for the army; by the Commissary-General of Provisions, to procure magazines of forage; by the Chief Engineer, to furnish workmen for the lines; and by Lord Cornwallis, to stop out the water on Blakeley's and the Province Islands—a work, which was thought at first impracticable in any reasonable time, and which he performed in six days, and without which it was impossible to erect the batteries against Mud-Island fort. He offered to raise a regiment of American light-horse, but received a warrant for raising only a troop. These, in a short time, he had perfectly disciplined fit for action. He also embodied eighty refugees from the county he lived in, who served the Crown as volunteers, receiving neither pay nor clothing. Having obtained leave to operate with these two corps, he kept them constantly executing plans formed by himself. Knowing that Washington's army was in great distress for want of clothing, and that he had seized all the cloth in Bucks county, which was making up for his army at Newtown, a village distant near thirty

Q. Was not great attention paid to your distressed situation subsequent to the time that has been named, until Lord Howe left America?*

A. Just before the city of Philadelphia was evacuated, I received from Sir William Howe's Secretary twenty shillings a day, allowed me from the time I came in to Sir William Howe to that time, as I understood, out of the public money.

miles from the British lines, he sent out twenty-four of this troop, and fourteen of the volunteers, to take it. This they performed in less than 24 hours; and, after having stormed two rebel posts, killed eight men, taken a major and several other officers and prisoners, making in the whole thirty-two, they returned with the cloth. He next meditated an expedition against Bristol with forty horse and fifty volunteers; but receiving intelligence, that upwards of two hundred rebels had taken post about four miles from the road to that village, he ordered Capt. Hoveden, who commanded the party, to attack them, if he found them there; if not, to proceed on to Bristol. This was performed with the utmost gallantry; the rebels were defeated and dispersed, twenty-three killed, and eight taken prisoners. He also laid a plan for the seizing the rebel Governor Livingston, his Council and Assembly, sitting at Trentown. His intelligence was so good, and his scheme so well concerted, that there could be no doubt of success; but he was not permitted to carry this design into execution. In short, this troop and company were continually operating during the winter and spring, under his direction, in a variety of excursions, in which they took near two hundred prisoners, and scoured all that part of the country, between Philadelphia and Trentown, of the disaffected to Government. After this short narration of a part only of Mr. Galloway's services, the world will determine on which side the obligation lies between the General and that Gentleman. ["Seizing Gov. Livingston" was a much desired object. In a letter from Isaac Ogden to Mr. Galloway, dated New York, Feb. 6, 1779, I find an account of "a promising manœuvre" for that purpose. It failed, chiefly because "some of the [British] soldiers went to the "house of one Woodruff and began plundering. This gave the alarm."]

* [Some of the other loyalists fared no better than Mr. Galloway, as appears by the following extract from a letter to him in London, from Daniel Coxe, one of His Majesty's Council for New Jersey:—

"NEW YORK, Dec. 17, 1778.

"I have nothing more to add as to our own private matters here, but what, as I hinted before, Col. Balfour will inform you of, unless an order from Sir Henry to pay us each £50 sterling a-piece, '*in consideration of our distresses by having been obliged to fly from our estates and property,*' a pittance as pitiful as 'the manner of the consideration expressed.'"]

Q. Whether, on your apprehensions of the consequences that might happen to you, in case you should be made prisoner on your passage to England, Lord Howe did not offer you and your family a passage in his ship?

A. He did, and I thanked his Lordship for it, and so I do now.

Q. If on the prospect, at that time, of your return to England before Lord Howe, you did not request his Lordship's interposition with Government, to obtain some provision for your future support, in reward for your past services, and compensation for the loss of property you had thereby sustained?

A. I don't recollect any prospect of my returning to England before Lord Howe. If I recollect right, Lord Howe would naturally return before me. I don't recollect that I made a positive request to Lord Howe to intercede with Government. I know that a conversation passed between us on the subject a few days before his Lordship came away. Whether I interceded with his Lordship or not, I can't now recollect; but his Lordship gave me to understand, that he should have it little in his power to do me any services. I believe very sincerely, his Lordship was disposed to do it.

Q. Did not Lord Howe, in answer to your application, or in conversation about your returning to England, advise you to express a disregard for Gen. Howe and Lord Howe, as the best plea for obtaining favour from the American minister?

A. I believe his Lordship did intimate, that he should have no interest, when he came home, with the American minister; but I sincerely declare, that I don't recollect that he spoke to me in the positive way the question supposes.

Q. Did you not apply, before you left Philadelphia, for a flag of truce, for the purpose of your making your peace with the rebels?

A. I did not. When I made the application to Sir Henry Clinton, Col. Innys, through whom I made it, can prove, at any time, that it was my firm resolution not to apply for a flag of

truce. Col. Balfour several times asked me, whether I had got a flag of truce from Sir Henry Clinton. I told him, I had not. I did not care, or think it prudent, to tell him what had passed between Sir Henry Clinton and us, respecting what I had communicated to Sir Henry Clinton, and what he had said about a flag of truce, as Col. Innys informed me, what he brought from Sir Henry Clinton was not to be understood as official.

Q. Did not you finally come away from Philadelphia with the British army, on the certainty of losing your life if you had staid, and in hopes of your property being preserved by your wife's stay in that city?*

* [Mr. Galloway married Grace, the daughter of Lawrence Growden, a justice of the Supreme Court, speaker of the Assembly, &c., and a granddaughter of Joseph Growden, also a person of consideration, who held like important public positions. The estate which she inherited was called "Trevoze," and was situated in Bucks County. It was, I suppose, "the manor which Gov. Penn "promised me in England, and renewed it at large before the Assembly." (*Joseph Growden to David Lloyd*, "24th 3 mo., 1702.") It was so called (says *Proud*) in honor of the place in Cornwall from whence he came. During the Revolution, the mansion-house was sacked by the British, and many valuable papers, deposited in a small out-building, which also contained the county records, were destroyed. (*Mr. Henry Penington's MSS.*) Amongst them was Dr. Franklin's will, and also "eight quire-books, containing drafts of all the letters which he " (Franklin), had written whilst in London," (*Sparks's Franklin*, x. 122), which he had entrusted to Mr. Galloway for safe-keeping; and though the patient industry and great historical learning of Mr. Sparks have given to the world a most ample biography of that celebrated man, yet, such a loss is greatly to be regretted.

"Trevoze" was not confiscated, but remained in Mrs. Galloway's family until sold by her descendants a few years ago. (*Mr. Penington's MSS.*)

Of Mrs. Galloway, whilst she remained in Philadelphia, I find the following notices, amongst others, in the letters of Mr. Galloway's correspondents.

J. A. D. to Mr. Galloway, in London.

NEW YORK, Dec. 22, 1778.

"The detail of the ravages and the confiscation of your own estate you have "undoubtedly heard. Mrs. Galloway, I am informed, supports the misfortune "with amazing fortitude. She enjoys better health than has fell to her lot for "many years before, and has rooms at a widow Morris's, and has some expectations, but how well founded I know not, that she will be allowed the income of "her paternal estate to live on, and that Dr. Bond and his family have proved

A. I came away from Philadelphia, knowing that my life would be taken if I staid; but I had no expectation of saving that property which I held in my own right. Mrs. Galloway's estate was very considerable, as well as my own; and she staid under an expectation, from some words in the law, that she might retain her own estate even during my life, and at least after my death; and for that purpose only she remained behind.

Q. Is she now at Philadelphia?

A. She is yet there, and informs me she has no expectation of saving even her own estate.

Q. How long before the army left Philadelphia had you determined to come away with it?

"themselves her true friends, and he was exerting himself to procure the estate "for her."

John Potts (who had been Judge of Philadelphia Common Pleas) to Mr. Galloway, in London.

NEW YORK, Dec. 17, 1778.

"The inclosed letter to Miss Galloway was brought to me by Mrs. Potts, and a "message from Mrs. Galloway, *that she had not the most distant hope remaining,* "but I am informed they have permitted the dear lady to have twenty cords of "wood taken off her estate for her own use. * * * *
 "Be pleased to give my most respectful compliments to Miss Galloway and Col. "Balfour. It will be impossible to eradicate the deep sense I entertain of his "last kind, friendly conduct. Your own kindness, did it exceed it? Everything "will be done, which Mrs. Galloway will direct. The gentleman I mentioned to "you [his brother, Samuel Potts] will undertake it, if she chooses."

Mrs. Galloway was at one time herself compelled to claim the protection of the authorities against anticipated personal violence.—*Col. Records*, xi. 196.

In 1791, Mr. Galloway's only child, Elizabeth, who had married a Mr. Wm. Roberts, visited "Trevose." She afterwards returned to England, and, in a letter written by her in January, 1811, to a gentleman in Philadelphia, I find the following glimpse of her father's mode of life in London: "Few men, in the course of "a long life, settled more business for others; and perhaps, seldom any one gave "so much advice gratis. His morning-room was often crowded with, and self "dom empty of, Americans, who received from him his best services in their "own affairs."

The disposition of his paternal estate (as mentioned also in this letter), completely relieves Mr. Galloway from the imputation "of a cold, calculating nature," preferred by Mr. Flanders. (*Chief Justices*, 103.)]

A. I never had a resolution or determination to stay, after the notification of its being to be evacuated. I had taken too active a part against the rebels, and knew that I could have no security if I staid.

Q. Did you not advise every one of your friends, who you thought could remain in safety with the rebels, to stay in Philadelphia—and were not two persons, who followed that advice, afterwards put to death?*

* [The reasons, esteemed by the authorities sufficient for the execution of Carlisle and Roberts, are given by the translator (“an English gentleman, who resided in America during that period”) of “*the Marquis of Chastellux’s Travels*,” in his note (vol. i. p. 283, &c., Dublin, 1787), in which, “in justice to America, he gives the facts, the truth of which will bear inquiry.”

There are reports of their trials in the *Pennsylvania Packet*, Nov. 7, 1778, and also of the rulings of the judges, in 1 *Dallas*, 39, 42 (Wharton’s Ed.). The seventh volume of the *Pennsylvania Archives* (pp. 22, *et seq.*), gives, together with the notes of the judges in Carlisle’s case, a series of memorials, signed by numerous citizens of the highest respectability and patriotism, many of whom were army officers, by the Grand Jury, by several clergymen (amongst whom was Mr., afterwards Bishop White), of “beneficiaries,” who certified “that when Lord Cornwallis, with an armed force, came a plundering among us, the said John Roberts “did use his utmost endeavours to save us from that rapacious hand,” of the jurors and judges who tried the causes, of their families, and other relatives. “Notwithstanding,” says the estimable editor of the *Archives*, Mr. Hazard, “notwithstanding the foregoing strong and respectable petitions of judges, juries, “citizens, &c., the pardon or respite was not granted, and, on the 4th of November, the penalty of the law was inflicted on both of the unfortunate men.”

The loyalists looked upon them as heroic martyrs, and their conduct at the scaffold, as narrated in the following extracts from letters to Mr. Galloway, certainly exhibits firmness and intrepidity:—

Isaac Ogden, Counsellor at Law, to Mr. Galloway, in London.

“NEW YORK, Nov. 22, 1778.

“You may not, possibly, have heard of the fate of poor Roberts and Carlisle, “in Philadelphia. They were condemned, I believe, before you left their city. “Great interest was made to save their lives. Roberts’s wife, with [their] ten “children, went to Congress. They threw themselves on their knees, and supplicated for mercy. But in vain! His behaviour at the gallows did honour to “human nature. He told his audience that his conscience acquitted him of “guilt; that he suffered for doing his duty to his Sovereign; that his blood

A. There was not a person who had taken an active part, to my knowledge, but what I advised to come away with the British army. As to Roberts and Carlisle, the persons to whom I suppose the question alludes, the first never consulted me on the occasion : he had a very large family, and a large estate, and many friends more confidential than myself, with whom he advised, and whose advice he followed. As for Carlisle, I positively advised him to leave the city, because I knew he would not be safe. I was sent to by some of the first men in the province, to know whether I would advise them to take the oaths of allegiance to the Rebel States ; and I advised them never to do it, but at the last extremity and necessity.

Q. Had not the other managers of the police, who you have said declined following the advice of Sir William Howe to remain at Philadelphia, reason to apprehend the same violence if they had staid there ?

A. I think they would have been capable of making a better interest, and their peace would have been easier made than

“ would one day be required at their hands ; and then, turning to his children, “ charged and exhorted them to remember his principles, for which he died, and “ to adhere to them while they had breath. This is the substance of his speech ; “ after which he suffered, with the resolution of a Roman.”

James Humphreys, Junr. (who had been the publisher of the *Pennsylvania Ledger*, or *True Royal Gazette*, during the British occupation of Philadelphia), to Mr. Galloway, in London.

“NEW YORK, Nov. 23, 1773.

“ By the endorsed papers, you will find that poor Roberts and Carlisle have “ been cruelly and most wantonly sacrificed. They were walked to the gallows “ behind the cart, with halters round their necks, attended with all the apparatus “ which make such scenes truly horrible, and by a guard of militia, but with “ very few spectators. Poor Carlisle, having been very ill during his confinement, was too weak to say anything ; but Mr. Roberts, with the greatest coolness imaginable, spoke for some time ; and, however the mind shrinks back “ and startles at the reflection of so tragical a scene, it is with pleasure I can “ inform you, they both behaved with the utmost fortitude and composure. After “ their execution, their bodies were suffered to be carried away by their friends ; “ and Mr. Carlisle’s body was buried in Friends’ Burying-ground, attended by “ above four thousand people in procession.”]

mine; and yet I have great doubts, whether they did not remain in the same jeopardy I did, as the great object of the rebels, in confiscating estates, was to procure a sum of money, and these gentlemen were men of considerable fortunes.

Q. Do you know if Mr. Willing, of Philadelphia, had his pardon from the Congress?*

* [Questions like these, standing alone, and disconnected, with bald replies; neither queries nor answers giving any clue to the reasons for propounding them, might possibly lead to unworthy suspicions concerning one whose integrity, patriotism and public services, have justly commanded the praise and esteem of his countrymen.

Mr. Willing, as appears from a tribute to his memory understood to be from the pen of Mr. Binney (*Republican Court*, 16), was a man, who, "in all the relations of private life, and in various stations of high public trust, deserved and acquired the devoted affection of his family and friends, and the universal respect of his fellow-citizens. From 1754 to 1807, he successively held the offices of Secretary to the Congress of Delegates at Albany, Mayor of the city of Philadelphia, her representative in the General Assembly, President of the Provincial Congress, delegate to the Congress of the Confederation, President of the first chartered Bank in America, and President of the first Bank of the United States. With these public duties, he united the business of an active, enterprising, and successful merchant, in which pursuit, for sixty years, his life was rich in examples of the influence of probity, fidelity, and perseverance upon the stability of commercial establishments, and upon that which was his distinguished reward upon earth, public consideration and esteem. His profound adoration of the Great Supreme, and his deep dependence on His mercy, in life and in death, gave him, at the close of his protracted years, the humble hope of a superior one in heaven."

To such a comprehensive summary of his public and patriotic services, little, except in illustration or proof, can be added, except, perhaps, to mention, that Mr. Willing, who had read law in the Temple, although he pursued the profession of a merchant, was a Justice of the Supreme Court, and had occupied a place on that bench for many years before the Revolution, having received his commission in September, 1761. As a judge, he was pure and intelligent; added to which, he possessed an amenity of manner which rendered him popular with the bar, and attractive in society. "Mr. Willing," says John Adams, "was the most sociable and agreeable man of all" (*Works*, ii. 379). No doubt his judicial training had an influence in his course in Congress. Schooled to discriminate between conflicting claims, in which there was oftentimes much show of right on either side; accustomed to apply the great principles of justice

A. I don't know.

Q. Did he refuse to take it?

A. I never heard.

Withdrew.

and equity so as to subserve the best interests of society even at the expense of a present apparent hardship; this upright magistrate made a conservative statesman, and thus was slow to yield to impulses, which, though given by his own party, were, or might be, as he thought, hasty or premature.

As Mr. Willing's remaining in the city gave offence to some of "the furious Whigs,"¹ as one of the political parties is called in a newspaper of the day, the following extracts are, perhaps, proper to be inserted:—

"Mr. Willing and his partner, Mr. Morris, had been, from the beginning of "the war, the agents of the Congress for supplying their naval and military "stores. Their disaffection to their sovereign, and their rebellious principles, "were proved by a number of letters, intercepted by your noble brother; and, "therefore, Mr. Galloway called on Mr. Willing, in Philadelphia, by your express "order, to take the oaths of allegiance; and although he refused, yet he found "so much favor in your sight, as to obtain a countermand of that order, and a "dispensation from taking the oath."—*A Reply to the Observations of Lieut.-Gen. Sir William Howe, &c.* By Joseph Galloway, Esq. Philadelphia. Reprinted by Enoch Story, 1787, 95, 96.

"At a critical period of the Revolutionary War, when there was great danger "of the dissolution of the American army for want of provisions to keep it "together, a number of patriotic gentlemen (in Philadelphia) gave their bonds to "the amount of about two hundred and sixty thousand pounds, payable in gold "and silver, for procuring them. The provisions were procured. The two highest "subscriptions were those of Robert Morris for £10,000, and Blair McClenaham "for £10,000. Thomas Willing subscribed £5,000."—*Littell's Sat. Mag.* (1821), i. 455.

"Mr. Willing, and his associate in commerce, Robert Morris, as well as his

¹ Lest, by any chance, this book might hereafter fall into the hands of some ungenerous person, who would be disposed to distort this phrase, the extract is here given. It will be seen that it is from a prominent Whig journal, and from a Whig pen.

"IV. THE FURIOUS WHIGS injure the cause of liberty as much by their violence "as the timid Whigs do by their fears. They think the destruction of Howe's "army of less consequence than the detection and punishment of the most in- "significant Tory. They think the common forms of justice should be suspended "towards a Tory criminal, and that a man who only *speaks* against our common "defence, should be tomahawked, scalped, and roasted alive. Lastly, they are "all cowards, and skulk under cover of an office, or a sickly family, when they "are called to oppose the enemy in the field. Woe to that State or community "that is governed by this class of men."—*Pennsylvania Packet*, March 18, 1777.

“[connexion], Mr. Clymer, were all members of the Congress of 1776. To the great credit and well-known patriotism of the house of Willing and Morris, the country owed its extrication from those trying pecuniary embarrassments so familiar to the readers of our Revolutionary history. The character of Mr. Willing was in many respects not unlike that of Washington, and, in the discretion of his conduct, the fidelity of his professions, and the great influence, both public and private, which belonged to him, the destined leader [Washington], was certain to find the elements of an affinity by which they would be united in the closest manner.”—*Republican Court*, 255.

He died January 19, 1821, aged eighty-nine years and thirty days.

One other matter deserves a brief notice. The proceedings of Congress in regard to the Declaration of Independence is a point in our history not so generally understood as it should be. This is, in a great measure, owing to the manner in which the Journal was printed, but also, in part, to the fact that the various statements, made after the lapse of years more or less, do not coincide in all their details, an example of which has been heretofore noted (*ante*, 7). The facts, so far as necessary for the purposes of this note, seem to have been, that on the 1st of July a majority of the Pennsylvania delegates voted against the Resolution; that subsequently one of them changed his views; so that when the final vote was taken, Pennsylvania was in favor of Independence. On the 4th July, the Declaration was signed by Hancock as President, and Thompson as Secretary, by order of Congress. On the 19th it was ordered to be engrossed, and on the 2d of August it was so presented for the signature of the members who were then in Congress, some of whom had not been delegates in July. On July 20, the Convention of Pennsylvania, which had been convened for the purpose of forming a constitution, elected delegates, who affixed their names to the Declaration, though one at least, Robert Morris, had voted against it. The reasons, which, as far as I can gather, influenced those of the Pennsylvania delegates who voted in the negative, appear to have been twofold: 1st, they thought such a course most in accordance with the wishes of a majority of their constituents; 2d, they esteemed the measure premature and impolitic at that time, as likely (and so it proved) to alienate many warm friends of American rights, whose influence was of great consequence, but who were not as yet prepared to close the door to all negotiations.

That the first reason had more or less foundation in fact may be seen, I think, from the instructions given by the Assembly to the delegates. Not only were those to Mr. Galloway and his colleagues (*ante*, 42), renewed, but in 1775 (Nov. 9) the following sentence was added:—

“Though the oppressive measures of the *British* Parliament and administration have compelled us to resist their violence by force of arms, yet we strictly enjoin you that you, in behalf of this Colony, dissent from and utterly reject any propositions, should such be made, that may cause or lead to a separation

"from the mother country, or a change of the form of this government" (*American Archives*, 4th series, vi. 518). Language more explicit could not well have been used.

Thus rested the instructions until Friday, June 14, 1776, when the patriotic party succeeded in obtaining a removal of the restrictions, and the Assembly thus addressed the delegates:—

"Our restrictions did not arise from any diffidence of your ability, prudence, or integrity, but from an earnest desire to serve the good people of Pennsylvania with fidelity, in times so full of alarming dangers and perplexing difficulties. The situation of public affairs is since so greatly altered, that we now think ourselves justifiable in removing the restrictions laid upon you by those instructions." And then, after recapitulating some of the acts of the Parliament and the King, which "extinguished" their "hopes of a reconciliation," and after investing the delegates with necessary powers to "form further compacts between the United Colonies," &c., the instructions thus conclude:—

"The happiness of these Colonies has, during the whole course of this fatal controversy, been our first wish; their reconciliation with *Great Britain* our next. Ardently have we prayed for the accomplishment of both. But if we must renounce the one or the other, we humbly trust in the mercies of the Supreme Governor of the Universe, that we shall not stand condemned before His Throne, if our choice is determined by that overruling law of self-preservation which his Divine wisdom has thought fit to implant in the hearts of his creatures" (*Am. Arch.*, cit. sup. 862, 863, 755). The unwillingness to separate, if by any possibility avoidable, shown by the Assembly even when "all hopes of a reconciliation were extinguished," coupled with the well-known wishes of a large part, if not a majority, of the people of Pennsylvania, no doubt operated on the minds of the delegates.

As to the second reason, Robert Morris thus expresses himself in a letter to Col. Joseph Reed, under date of July 20, 1776: "I have uniformly voted against and opposed the Declaration of Independence, because, in my poor opinion, it was an improper time, and will neither promote the interest nor redound to the honor of *America*; for it has caused division when we wanted union, and will be ascribed to very different principles than those which ought to give rise to such an important measure" (*American Archives*, 5th series, i. 468).

Another passage in this letter may be quoted as bearing on the first of the above reasons: "I am not for making any sacrifice of dignity; but still I would hear them [the British Commissioners] if possible; because if they can offer peace on admissible terms, I believe the great majority of *America* would still be for accepting it."

That Mr. Willing himself early discerned the probable necessity of a declaration, and was, although he voted the negative, prepared to give, as he did, his best energies to its support when adopted, is shown by his course both in and out

of Congress, and especially by his language in the debate which occurred many months before that on Independence, on Mr. Lee's motion "that the ministerial "or parliamentary posts may be stopped," &c.

"*Willing* looks upon this to be one of the offensive measures which are improper at this time. It will be time enough to throw this aside, when the "time comes that we shall throw everything aside; at present we don't know "but there may be a negotiation" (*J. Adams*, ii. 466).]

F I N I S.

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